Title 10 – Zoning
Chapter 1 – Zoning Purposes

SECTIONS:
10-1-1 Short Title
10-1-2 Basic Intent and Purpose

10-1-1 Short Title. These regulations shall be referred to as the Zoning Ordinance of the City of Muscatine, Iowa.

10-1-2 Basic Intent and Purpose. The purpose of this Title shall be:

A. These regulations have been based upon the comprehensive plan for the City of Muscatine, which was adopted by the City of Muscatine. Said comprehensive plan included estimates of population growth; land use surveys; a land use plan; plans for major thoroughfares, other transportation facilities, community facilities, public services, and utilities; and a public works program.
B. Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.
C. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.
D. The land use regulations divide the area into a number of zoning districts:
    1. Because of frequent and costly flooding, some areas should be kept in their natural state and not developed and development in other areas required to include adequate floodproofing. These would be included in a Flood Plain District.
    2. The comprehensive plan indicated the need for various land uses such as commerce, residence, industry, transportation, and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities, such as sewers, water, schools, parks, public transportation, and the like. Remaining lands should be reserved agricultural and rural uses. Consequently, the regulations include an Agricultural District for agricultural and non-urban land uses.
    3. In the past, residential neighborhoods have deteriorated due to encroachment by isolated commercial and industrial uses. The great majority of our population live in single-family homes which they own. The regulations establish residential districts particularly designed to provide maximum protection for single-family homes.
    4. Other residential districts are established for two (2) family homes, mobile homes, town houses, and for apartments. Density, yard, and parking regulations would insure good living conditions in these areas. Much of present day building is by large projects instead of lot by lot. A Large-Scale Residential District is provided where large-scale projects may be located with approval of the site plan. This introduces an important measure of flexibility into the regulations.
    5. Commercial districts recognize the different types of commercial areas that will be needed by the future growth of the community. There is a zoning district for the neighborhood commercial area, i.e., the grocery store, drugstore complex serving the adjacent residential neighborhoods and for the

more widely used commercial areas along major streets and highways. There is a central commercial district for the downtown area and a special "planned district" for commercial development based on a site plan.

6. For industry there are two (2) districts: a "light" industrial district for manufacturing and related industrial activity, and a "general" industrial district which provides for additional uses with approval under the provision for conditional uses.
7. A Special Development District has also been furnished to provide the opportunity for imaginative site development with a variety of uses in special areas of the City.
8. The regulations emphasize the character as well as location and density of the land uses. Special inducements are offered for good design of apartment areas. Landscape planting is required in all front yards and for automobile filling stations, parking lots, and garages. Advertising is carefully controlled.
9. The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now too small may be used provided current building setbacks can be maintained. Nonconforming uses are permitted to continue for adequate time periods.
10. All uses are required to provide their own off-street parking (with a few exceptions). Over a period of years, enforcement of this requirement will enable streets to be used primarily for traffic movement.
11. Each of the regulations have been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of the optimum urban environment.

E. Jurisdictional Area. These regulations apply to all lands within the corporate limits of the City of Muscatine.

Title 10 – Zoning

Chapter 2 – Zoning Districts; Map

SECTIONS:

10-2-1 Use Districts
10-2-2 District Map and Boundaries
10-2-3 Effect of Vacations on Boundaries
10-2-4 New or Annexed Land
10-2-5 Areas Under Water
10-2-6 Special Large Scale Flood Insurance Rate Map
10-2-7 District Regulations

10-2-1 Use Districts. The City of Muscatine is hereby divided into the following specific districts:

AG	Agricultural
FP	Flood Plan
FC	Flood Channel
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single-Family Residential
R-4	Two-Family Residential
R-5	Multi-Family Residential
R-6	Multi-Family Residential
RL	Large-Scale Residential Development
C-1	Neighborhood and General Commercial
C-2	Central Commercial
C-3	Planned Commercial
M-1	Light Industrial
M-2	General Industrial
S-1	Special Development
S-2	Institutional; Office
A-P	Airport District

10-2-2 District Map and Boundaries. The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the "District Map". The District Map and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the District Map and all the notations, references, and other information shown thereon were all fully set forth or described herein, the original of which District Map is properly attested and is on file with the Planning Administrator of the City of Muscatine, Iowa. The boundary lines are shown upon the District Map within the center line of streets, alleys, public ways, and railroads; in cases not covered by the provisions of this section, the boundary lines shall determine the distances in feet, if given, from other lines on the map, but if no distances are given, then by scale of the map. Where boundary lines are shown approximately on the location of property lines and the exact location is not indicated by means of figures, distances, or

otherwise, then the property line shall be the boundary. Appeals may be filed with the Zoning Board of Adjustment.

10-2-3 Effect of Vacations on Boundaries. Whenever any street, alley, or other public way is vacated by official action of the City Council of the City of Muscatine, the zoning 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.

10-2-4 New or Annexed Land. All territory which may hereafter be annexed to the City of Muscatine shall automatically be placed in the AG Agricultural District until otherwise changed by ordinance.

10-2-5 Areas Under Water. All areas within the Corporate Limits of the City which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

10-2-6 Special Large Scale Flood Insurance Rate Map. The Flood Plain and Flood Channel Districts are also shown on, where available, a special large scale "Flood Insurance Rate Map" which supplements the District Map and is attached hereto and made a part hereof. The Flood Insurance Rate Map and all notations, amendments, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Map and all notations, amendments, references, and other information shown thereon were fully set forth or described herein, the original of which is properly attested and is on file with the Planning Administrator of the City of Muscatine, Iowa.

10-2-7 District Regulations. Except as hereinafter provided:

A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
B. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.
C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
D. The density and yard regulations of this Ordinance are minimum regulations for each and every building existing at the effective date of this Ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.
E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this Ordinance.
F. No building shall be erected or structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of this Ordinance.

G. Cooperatives, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

H. All inhabited mobile homes shall be located in a mobile home park that has received a conditional use permit, and if appropriate, subdivision approval as required. No mobile home outside an approved mobile home park shall be connected to utilities, except those mobile homes being offered for sale and not inhabited.

I.

1. Site Plan Review: Approval of site plans should be made in accordance with good planning practices, taking into consideration: adequate parking areas, safe ingress and egress to the site, sufficient landscaped areas, adequate screening of unsightly areas such as loading docks, trash containers and parking areas. Further the development of one site should not cause problems relating to surface drainage, noise, lighting, signing, and incompatible relationships between new and existing adjacent land uses.

   Site plan review is required for all new construction on undeveloped land in the following situations:

   a. The C-1 and C-2 Commercial Districts.
   b. The M-1 and M-2 Industrial Districts.
   c. All non-residential development in the Residential Districts.
   d. For multi-family construction of more than four (4) units per lot.
   e. Site plan review approval is required in all of the above situations where remodeling, modification or alteration of an existing structure will increase the square footage by fifty percent (50%) or more.
   f. A filing fee for such site plan review shall be charged as established

2. Approval. Approval should be made on the basis of the merits of the plan presented as it relates to the guidelines set forth below. A Building Permit will not be issued prior to the approval of the site plan. And a Certificate of Occupancy Permit will not be granted unless the site is developed according to the plan. The Site Plan Review Committee shall consist of a representative of the Department of Public Works, Building Department, and Planning and/or Zoning, as appointed by the City Administrator. Site plan approval shall require a unanimous decision. If such a decision is not rendered, an appeal may be made to the Planning and Zoning Commission.

3. Site Plan Information to be Provided.

   General Criteria

   a. A plan drawn to scale indicating the property boundaries of the site, the dimensions of all lot lines and square footage or acres involved.
   b. All points of access to and from the site should be identified, and include data on location, width, and type of all proposed curb and access points.
   c. Parking layout and a notation listing the number of the required parking spaces and the number to be provided. Indicate the estimated traffic to be generated by completed development and peak periods during the day.

Title 10 – Zoning

Chapter 3 – AG Agricultural District

SECTIONS:

10-3-1 Permissive Uses
10-3-2 Conditional Uses
10-3-3 Height, Area, Parking Requirements

10-3-1 Permissive Uses.

A. Agricultural activity and raising and selling of livestock, except that all livestock operations or farms with livestock in excess of ten (10) head shall have a minimum lot area of twenty (20) acres and shall not locate any feed lot or accessory structures within two hundred feet (200') from any lot in an R-District.
B. Single-family dwelling, provided that it has a minimum lot area of two (2) areas.
C. Public park, playground, and recreational area.
D. Privately operated recreational facility, including riding stable, lake, swimming pool, tennis court, and golf course, except miniature course or driving range, provided that any accessory building in connection therewith shall be located not less than two hundred feet (200') from any lot in an R-District.
E. Public and private forest, wildlife preservation, or similar conservation project.
F. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
G. Place of worship.
H. Greenhouse or nursery for the raising of flowers and other horticultural products, including the raising of such products for sale on the premises.
I. Cemeteries of ten (10) acres or more in size. Also note 10-19-6 for Cemetery Development Standards.
J. Roadside stand designed for temporary or seasonal use and which is adjacent to a road and which is used for the sale of farm products primarily produced or grown on the premises.
K. Animal hospital, veterinary clinic, or kennel, provided that any building or enclosure in connection therewith shall be at least one hundred feet (100') from any lot in an R-District.
L. Grain bin and farm-related building, which is used in connection with on-premises agricultural activity.
M. Watertower.
N. Historic site open to the public.

10-3-2 Conditional Uses.

A. Extraction of coal, sand, gravel, top soil, and other natural resources.
B. Airport, except that all airport facilities are exempt from the height and area regulations and accessory use regulations; provided further, that all airport facilities shall be developed in accordance with current Federal Aviation Administration specifications and guidelines.
    1. Airport or aircraft-related commercial activities, provided that such activities are located completely within the property of the airport.
    2. No use of any land shall be made under this Section which violates the provisions of Title 10, Chapter 18 of this City Code.

C. Electrical distribution substation, pipeline pumping station, sewage lagoon, or sanitary landfill.
D. Farm implement operation for the sale of new and used farm equipment and implements including the accessory service and maintenance thereof.
    1. A site plan shall be submitted to the Zoning Board of Adjustment. The City Code (10-2-7I), entitled Site Plan Review, shall be followed as a guide in developing said plan.
    2. Minimum lot size for this activity is 2.5 acres.
E. Farm supply sales of the following primary products:
    1.
        a. Agricultural chemicals.
        b. Liquid and dry bulk fertilizer.
        c. Feed.
        d. Fuel.
        e. Ancillary agricultural products as approved by the Zoning Board of Adjustment.
        f. Ancillary carryout food items, packaged ready to consume convenience snacks and non-alcoholic beverages.

    2. A site plan shall be submitted to the Zoning Board of Adjustment. The City Code (10-2-7I), entitled Site Plan Review, shall be followed as a guide in developing said plan.
    3. Minimum lot size for this activity is 2.5 acres.

10-3-3 Height, Area, Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards Front	Side	Rear	Minimum Frontage
35*	50	20	50	150

*Note: Chapter 19 - Exceptions to Height Limits.

B.
C. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single
Two acres	Two acres

D.
E. The minimum off-street parking spaces are as follows:
    1. Single-family: One (1) per full bath.
    2. Place of worship: One (1) per four (4) seats in main room.
    3. High schools and colleges: Ten (10) per classroom.
    4. Elementary schools: Two (2) per classroom.
    5. Community center, library, museum, historic site, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
    6. Hospital: Two (2) for each bed.

7. Sanitarium or nursing home: One (1) for each three (3) beds.
8. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 4 – FP Flood Plain District

SECTIONS:
10-4-1 Intent and Purpose
10-4-2 District Boundaries
10-4-3 Permissive Uses
10-4-4 Conditional Uses
10-4-5 Height, Area, Parking Requirements
10-4-6 Flood Control Manual
10-4-7 Definitions

10-4-1 Intent and Purpose. It is the purpose of the Flood Plain District to apply special regulations to the use of land in those areas of the City which are subject to predictable inundations at frequent intervals and to assure that flood carrying capacity within the altered or relocated portion of any watercourse is maintained. Such land use controls are necessary to qualify property owners for flood insurance under the National Flood Insurance Act of 1968 (as amended). The City will notify adjacent communities and the Iowa Natural Resources Council prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Insurance Administrator.

The regulations, while permitting reasonable economic and social use of such properties, will help protect health, safety, and general welfare and reduce financial burdens imposed on the community, governmental units, and its individuals caused by frequent and periodic floods and the overflow of lands.

10-4-2 District Boundaries.

A. All land lying within the flood plain of the one hundred (100) year frequency flood of the Mississippi River and its tributary streams is within the flood plain and is subject to these regulations, in addition to the regulations otherwise established by the Zoning Ordinance of the City of Muscatine, Iowa.
B. The boundaries of the Flood Plain District are hereby established as shown on the National Flood Insurance Program Flood Insurance Rate Map, City of Muscatine, Iowa, effective and revised August 25, 1981, which by this reference is made a part hereof. All lands included in such Flood Plain Districts shall be subject to the terms imposed herein, in addition to the terms imposed by any other zoning use district in which said lands should be located.

10-4-3 Permissive Uses. When the use proposed herein is allowable in a zoning district, the following uses and types of activities are permitted in the designated flood plain; provided that such uses and types of activities do not entail any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

A. Farming and gardening.
B. Open recreational uses such as parks, playgrounds, playfields, athletic fields, golf courses, bridle trails, and nature paths.
C. Marinas.
D. Public right of ways, private drives, and parking lots.

E. Public utilities as regulated by the Zoning Ordinance, but not to allow the erection of a building to be used for storage or as a place of employment other than for periodic maintenance.
F. For residential districts, the Flood Plain may be used for computing lot area requirements and may, therefore, be used for yard and park areas.
G. Storage yard for materials and equipment not subject to removal or major damage by flood waters.

10-4-4 Conditional Uses.

A. Any permissive or conditional use in the Zoning District applicable to the land in question and not identified as a permissive use in the preceding paragraph is considered a conditional use.
B. Any man-made change to improved or unimproved real estate in the flood plain, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, is considered a conditional use.
C. In addition to complying with the provisions of Section 10-22-1 of the Zoning Ordinance, conditional uses in the flood plain must meet the following criteria to be approved:
    1. Any proposed new construction or substantial improvements (for the purpose of this Chapter, "substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement is started, or (b) if the structure(has been damaged and is being restored, before the damage occurred, or (c) any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after August 25, 1981 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent (25%). "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, regardless of whether or not that alteration affects the external dimensions of the structure, but does not include any alteration to comply with existing state or local Health, Sanitary, Building, or Safety Codes or regulations) including prefabricated or factory built homes shall:
        a. Be designated and/or modified and anchored to prevent flotation, collapse, or lateral movement of the structure.
        b. Use construction materials and equipment that are resistant to flood damage.
        c.
            i. (1) Use construction methods and practices that shall minimize flood damage.
            ii. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structures is a minimum of one (1) foot above the one hundred (100) year flood.

            iii. All new construction or substantial improvements of residential structures located in the flood plain shall have the lowest floor (including basement) elevated one (1) foot above the level of the one hundred (100) year flood.

d.

i. All new and substantially improved residential and non-residential structures with fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   b. The bottom of all openings shall be no higher than one foot above grade.
   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

e. All new construction or substantial improvements of nonresidential structures located in the flood plain shall have the lowest floor (including basement) flood proofed and elevated one (1) foot above the level of the one hundred (100) year flood.

i. All utility and sanitary facilities shall be flood proofed one (1) foot above the level of the one hundred (100) year flood so that any space below the level of the one hundred (100) year flood is watertight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

ii. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

iii. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the one hundred (100) year flood elevation.

iv. Utilities such as a gas or electrical system shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

f. All applicants for conditional use permits for new or substantially improved structures shall be accompanied by records of elevations and flood proofing levels, and whether or not such structures contain a basement. It shall be the responsibility of the applicant to obtain the appropriate topographic data, engineering studies, or other studies needed by the Zoning Board of Adjustment, Building and Zoning Administrator, and/or other appropriate City agency or official. All such

data shall be prepared and certified by technically qualified persons and will be maintained by the Building and Zoning Administrator.

g. All applicants for conditional use permits for new or substantially improved structures shall be reviewed by the Building and Zoning Administrator to determine if the site of the proposed improvements is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

h. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the one hundred (100) year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

   Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a one hundred (100) year flood with a minimum of 3 feet (3') of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

i. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.

j. The exemption of detached garages, sheds, and similar structures from the one hundred (100) year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the one hundred (100) year flood elevation requirements when:

   i. The structure shall not be used for human habitation.
   ii. The structure shall be designed to have low flood damage potential.
   iii. >The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
   iv. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
   v. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the one hundred (100) year flood level.

2. All subdivision proposals and all other proposed new developments located in the flood plain shall be reviewed by the appropriate agency to assure that:
   a. All such proposals are consistent with the need to minimize flood damage.
   b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage.
   c. Adequate drainage is provided to reduce exposure to flood hazards.

d. All such proposals greater than fifty (50) lots or five (5) acres, whichever is lesser, include, within such proposals, base flood elevation data.

3. Factory built home development is considered a conditional use in the Flood Plain District, provided the subject property is appropriately zoned for such use and further provided that such development follows the procedures designed in the Zoning Ordinance for consideration of such use.
   a. For new factory built home parks, for expansions to existing factory built home parks and for existing factory built home parks where the repair, reconstruction, or improvement of streets, utilities, and pads equal or exceeds fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, it is required that:

      i. Ground anchors for tie downs be provided in accordance with the Mobile Home Manufacturers Association standards.
      ii. The special flood hazard is disclosed to the factory built home and/or lot purchaser or lessee in the purchase contract, deed, or lease. Notification of both the one hundred (100) year flood elevation and the regulatory flood protection elevation shall be provided.
      iii. Adequate surface drainage and easy access for a hauler is provided.
      iv. In the instance of elevation on piers, lots are large enough to permit steps, and steel reinforcement is provided for piers more than six feet (6') high.
      v. Stands or lots are elevated on compacted fill or piers so that the lowest floor of the home will be one foot (1') above the level of the one hundred (100) year flood.
   b. For factory built homes moving into existing factory built home parks, where concrete pads for the placement of factory built homes are in existence and where street and utility connections are in existence, it is required that:

      i. Ground anchors for tie downs are required in accordance with the Mobile Home Manufacturers Association standards.
      ii. The special flood hazard is disclosed to the factory built home and/or lot purchaser or lessee in the purchase contract, deed, or lease. Notification of both the one hundred (100) year flood elevation and the regulatory flood protection elevation shall be provided.

4. All pressurized tanks and other containers storing materials or bulk materials hazardous to the public health, safety, and welfare shall be anchored to prevent lateral movement, collapse, flotation, or buoyancy.

10-4-5 Height, Area, Parking Requirements. The height, area, and parking requirements must conform to the district on which the FP Flood Plain District is superimposed.

10-4-6 Flood Control Manual. The 2002 Flood Control Manual for the City of Muscatine, as amended, is hereby adopted by reference. Said Flood Control Manual shall have the same

force and effect as though fully set forth herein. Copies of said Flood Control Manual are available in the office of the City Clerk.

10-4-7 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Basement - Any enclosed area of a building which has its floor' or lowest level below ground level (subgrade) on all sides\ Also see "lowest floor."

Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Factory-Built Home - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

Flood Elevation - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

Flood Insurance Rate Map - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

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

Flood Plain - Any land area susceptible to being inundated by water as a result of a flood.

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

Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

Floodway Fringe - Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

Historic Structure - Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
C. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    1. By an approved state program as determined by the Secretary of Interior, or
    2. Directly by the Secretary of Interior in states without approved programs.

Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 10-4-4(C)1(d), and
B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
D. The enclosed area is not a "basement" as defined in this section.

    In cases where the lowest enclosed area satisfies criteria a,b,c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

New Construction (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

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

Recreational Vehicle - A vehicle which is:

A. Built on a single chassis;
B. 400 square feet or less when measured at the largest horizontal projection;
C. Designed to be self-propelled or permanently towable by a light duty truck; and
D. Designed primarily not for use of a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Further, requirements for recreational vehicles placed on sites within Zones Al-30, AH and AE on the community's FIRM either:

A. Be on the site for fewer than 180 consecutive days.
B. Be fully licensed and ready for highway use, or
C. Meet the permit, elevation and anchoring requirements for "manufactured homes".

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by disconnect type utilities and security devices, and has no permanent attached additions.

Substantial Damage - A damage or any original sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either: (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or (b) any alteration will not preclude the structure's continued designation as a historic structure.

Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.
B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after August 25, 1981 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Title 10 – Zoning

Chapter 5 – FC Flood Channel (Floodway) District

SECTIONS:

10-5-1 Intent and Purpose
10-5-2 District Boundaries
10-5-3 Permissive Uses
10-5-4 Conditional Uses
10-5-5 Responsibility for Studies

10-5-1 Intent and Purpose. It is the purpose of the Flood Channel (Floodway) District to apply special regulations to the use of land in those areas of the City which are subject to predictable inundation and flow of flood waters such that the floodway efficiency will not be affected, or its capacity restricted. Such land use controls are necessary to qualify property owners for flood insurance under the National Flood Insurance Act of 1968 (as amended). The regulations, while permitting reasonable economic and social use of such properties, will help protect the public health, safety, and general welfare and reduce financial burdens imposed on the community, governmental units, and its individuals caused by frequent and periodic floods and the overflow of lands.

10-5-2 District Boundaries. The boundaries of the Flood Channel (Floodway) District are hereby established as shown on the National Flood Insurance Program Flood Insurance Rate Map, City of Muscatine, Iowa, effective and revised August 25, 1981, which is attached hereto and made a part hereof. All lands included in such Flood Channel (Floodway) District shall be subject to the terms imposed herein.

10-5-3 Permissive Uses. The following open space uses shall be permitted within the Flood Channel (Floodway) District to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials or equipment unless as otherwise provided by this Ordinance.

A. Agricultural uses such as general farming, outdoor plant nurseries, horticulture, truck farming, sod farming, and wild crop harvesting.
B. Industrial and commercial uses such as docks, dock piers, boat landings, loading areas, parking areas, and airport landing strips.
C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.
D. Open space, nonstructural uses such as lawns, gardens, parking areas, and play areas.
E. Other water-oriented uses such as dams, power plants, underground pipelines, canals, drainage ditches, and bridges, provided such uses shall be approved by the Iowa Natural Resources Council and meet other applicable Federal, State, and local regulations (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

10-5-4 Conditional Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses shall be permitted which acting alone or in combination with existing or proposed uses affects the

efficiency of or restricts the capacity of the floodway, or restricts flood heights. For any such use, review shall be conducted by the Iowa Natural Resource Council to determine if the efficiency and capacity of the floodway is affected or restricted or if flood heights are increased.

10-5-5 Responsibility for Studies. Where topographic data, engineering studies, or other studies are needed by the appropriate City agency and/or Iowa Natural Resource Council to determine the effects of flooding on a structure and/or the effects of the structure on the flow of water, the applicant shall submit such data or studies. All such data shall be prepared by technically qualified persons. All such data shall be maintained by the Building and Zoning Administrator.

Title 10 – Zoning

Chapter 6 – R-1, R-2 and R-3 Residential districts

SECTIONS:

10-6-1 Permissive Uses
10-6-2 Conditional Uses
10-6-3 Height, Area, and Off-Street Parking Requirements

10-6-1 Permissive Uses.

A. Single-family dwelling.
B. Public park or playground.
C. Place of worship.
D. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
E. Golf course, except miniature courses and driving tees operated for commercial purposes.
F. Agricultural activity, except that all livestock operations or farms with livestock in excess of ten (10) head shall have a minimum lot area of twenty (20) acres and shall not locate any feed lot or accessory structures within two hundred feet (200') of any lot in the R District.
G. Privately operated lake, swimming pool, tennis court, or similar recreational uses on a site of not less than five (5) acres, provided that any building in connection therewith shall be located not less than two hundred feet (200') from any lot in an R District; but not a miniature golf course or driving tee operated for commercial purposes.
H. Cemeteries existing at the time of the adoption and incorporation of this amendment December 4, 1986 namely Greenwood Cemetery, Saint Mary's Cemetery and Memorial Park Cemetery.

10-6-2 Conditional Uses.

A. Group home sponsored by a religious, education, or eleemosynary institution, provided that such home has single kitchen facilities, and further provided that such home be under twenty-four (24) hour adult supervision; but not a penal or mental institution; and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.
B. Nursing, rest, or convalescent home, provided that it is located at least fifty feet (50') from any lot in an R District and is situated on a site of not less than twenty thousand (20,000) square feet; and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.
C. Hospital, provided that it is located at least one hundred feet (100') from any lot in an R District and is situated on a site of not less than five (5) acres; and further provided that not more than fifty percent (50%) of the site area is occupied by buildings; and further provided that the building be set back from all required yard lines an additional foot (1') for each foot (1') of building height.
D. Educational or philanthropic institution, provided that it is located at least fifty feet (50') from any lot in an R District and is situated on a site of not less than twenty thousand (20,000) square feet; and further provided that not more than (fifty percent (50%) of the site area is occupied by buildings.

E. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
F. Conversion of single-family homes into two-family homes in those locations where on July 19, 1973, more than forty percent (40%) of the frontage on one side of the street between two (2) intersecting streets was used for two-family homes or two-family homes and multiple-family dwellings. Off-street parking requirement ratios must be complied with for each full bath.
G. Electrical distribution, substation, or pipeline pumping station or water tower.
H. Cable T.V. broadcast facility and tower.
I. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.
J. Any contiguous site expansion to existing cemeteries listed in 10-6-1(H) above shall be subject to review and approval by the Zoning Board of Adjustment.
K. Bed and Breakfast Homes within an existing residence constructed prior to 1930 and located in an R-3 Zoning District. (Refer to DEFINITIONS in Chapter 23).
L. Clinic as a Conditional Use in the R-3 Single Family Residential District specifically within the geographical area described as those lots adjacent to and fronting along Young Avenue, real estate located on the southeast side of Parham Street between Young Avenue and Cedar Street and that real estate north of Cedar Street between Parham Street and Muscatine General Hospital.
M. Barber or beauty shop within an owner-occupied home consisting of one (1) single chair, providing a minimum two (2) off-street standard parking stalls for this chair and complying with the definition of a Home Occupation (10-23-1).
N. Iowa Certified Assisted Living Facility. This development provides for integrated levels of services and housing for senior living arrangements. The intent is a campus like setting on a minimum of three (3) acres, served by all utilities. The project may consist of a mixture of single detached units, cluster units with shared common areas and townhouse type congregate living features.

10-6-3 Height, Area, and Off-Street Parking Requirements

A. The limits in feet are as follows:

Maximum Height	District	Minimum Yards: Front	Side	Rear	Minimum Frontage
35	R-1 & R-2	25	10	25	100, 80 (R-2)
35	R-3	25	6	25	60

B. The limits in square feet are as follows:

Maximum Lot Area	District	Minimum Lot Area Per Family: Single
20,000	R-1	20,000

10,000	R-2	10,000
7,000	R-3	7,000

C. The minimum off-street parking spaces are as follows:

1. Single-family: One (1) per full bath.
2. Place of workshop: One (1) per four (4) seats in main room.
3. High schools and colleges: Ten (10) per classroom.
4. Elementary schools: Two (2) per classroom.
5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
6. Hospital: Two (2) for each bed.
7. Sanitarium or nursing home: One (1) for each three (3) beds.
8. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning

Chapter 7 – R-4 Residential District

SECTIONS:

10-7-1 Permissive Uses
10-7-2 Conditional Uses
10-7-3 Height, Area and Off-Street Parking Requirements

10-7-1 Permissive Uses.

A. Two-family dwelling.
B. Single-family dwelling.
C. Rowhouses, townhouses, and three or four-family houses where the site being developed is one-half (1/2) acre or larger.
D. Public park or playground.
E. Place of worship.
F. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
G. Golf course, except miniature course and driving tees operated for commercial purposes.
H. Mobile home park subdivision. Mobile home shall mean a factory-assembled or manufactured dwelling unit, with the necessary utility connections, which is transported to a site and affixed to a permanent frost-free foundation. Mobile homes shall be located as a Conditional Use in the R-4 District and comply with Title 10-19-4 of the Zoning Ordinance, if the site on which they are located is to be leased by the occupant of the mobile home. If the purpose of the development of a mobile home park is to sell individual lots in fee to the occupants of mobile homes, then the following shall apply:
    1. Proposed, mobile home parks shall be a minimum size of ten (10) acres prior to the subdivision of the tract into individual lots.
    2. Mobile home parks shall be located in the R-4 Residential District. The rezoning shall be based on a development plan for the entire mobile home park.
    3. The subdivision of real estate for mobile home lots shall comply with all applicable standards of Title 11 of the City Code, entitled Subdivision Regulations. Further, said subdivisions shall comply with the provisions of the design criteria set forth in this Chapter.
    4. Upon development of a mobile home park, the axle, tongue, and wheels shall be removed, the unit shall be affixed to a permanent frost-free foundation and the license shall be turned over to the County Assessor and the unit shall then be taxed as real property along with the land on which it is situated.
    5. All mobile home park subdivisions shall be developed in accordance with the design and performance standards set forth in this Chapter.
    6. Design and performance standards:
        a. The minimum area to be considered for a mobile home park subdivision shall be ten (10) acres; individual lots shall be a minimum of five thousand (5,000) square feet. Each lot shall have a minimum of fifty feet (50') of frontage on an improved public street.
        b. The following setback criteria shall apply to the perimeter property lines of each individual lot:

Front yard:	Fifteen feet (15') minimum.
Side yard:	Six feet (6') minimum.
Rear yard:	Ten feet (10') minimum.

c. A minimum of two (2) improved off-street parking spaces shall be provided for each mobile home.
d. All utilities shall be underground.
e. The only accessory storage structure permitted shall be a maximum of nine feet (9') by ten feet (10') affixed to a four inch (4") thick concrete slab. Garages for the storage of motor vehicles are permitted.
f. The permanent frost-free foundation shall not extend more than thirty-six inches (36") above grade.
g. Landscaping will be required, as appropriate, by the Planning and Zoning Commission around the perimeter of the mobile home park subdivision. This will be determined on a case-by-case review.
h. All standards for roads, sidewalks, utilities, easements, and other applicable criteria as outlined in Title 11 of the City Code, entitled Subdivision Regulations, shall apply to the subdivision of real estate for mobile homes.
i. Private recreation areas are encouraged within the mobile home park subdivision. Deed covenants established by the subdivider may accomplish this, the ongoing maintenance would be the responsibility of the subdivider or a homeowner's association.
j. All fences encroaching into the front yard shall have .a maximum height of four feet (4') and be of chain link material. In view of the reduced setback requirement, a safe line of sight is needed as vehicles back into the street.
k. All restrictive covenants shall be submitted to the Commission for review, but enforcement of these provisions shall be the responsibility of the subdivider, his assigns or homeowners; association and shall not be the responsibility of the City of Muscatine.
l. Other related items may be required by the Commission and City Council as determined on a case-by-case review.
m. Upon approval of the final plat, any future changes to the plat and lot arrangement shall be reviewed and approved by the Commission.

10-7-2 <u>Conditional Uses.</u>

A. Mobile homes in accordance with the provisions of Section 10-19-4.
B. Group home sponsored by a religious, educational, or eleemosynary institution, provided that such home has single kitchen facilities; and further provided that such home be under twenty-four (24) hour adult supervision; but not a penal or mental institution.
C. Nursing, rest, or convalescent home, provided that it is located at least fifty feet (50') from any lot in an R District and is situated on a site of at least twenty thousand (20,000) square feet.
D. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
E. Electrical distribution station, pipeline pumping station, or water tower.
F. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all

parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.

G. Barber or beauty shop not to exceed two (2) chairs, providing a minimum of two (2) off-street standard parking stalls for each chair and substantially complying with the definition of a Home Occupation 910-23-1). Note, where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-7-3 Height, Area, and off-Street Parking Requirements.

A. The limits in feet are as follows:

	Minimum Yards			
Maximum Height	Front	Side	Rear	Minimum Frontage
35	25	6	25	50

B. The limits in square feet are as follows:

	Minimum Lot Area Per Family		
Minimum Lot Area	Single	Two	Multiple
5,000	5,000	2,500	(Note 10-7-1(C))

C. The minimum off-street parking spaces are as follows:
   1. Single and two-family and multiple: One (1) per full bath.
   2. Place of worship: One (1) per four (4) seats in main room.
   3. High schools and colleges: Ten (10) per classroom.
   4. Elementary schools: Two (2) per classroom.
   5. Sanitarium or nursing home: One (1) for each three (3) beds.
   6. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning

Chapter 8 – R-5 Residential District

SECTIONS:

10-8-1 Permissive Uses
10-8-2 Conditional Uses
10-8-3 Height, Area and Off-Street Parking Requirements

10-8-1 Permissive Uses.

A. Multiple-family dwellings or townhouses on tracts of less than three (3) acres.
B. Rooming house or boarding house.
C. Single and two-family dwelling.
D. Group home sponsored by a religious, educational, or elementary-institution, provided that such home have single kitchen facilities; and further provided that such home be under twenty-four (24) hour adult supervision: but not a penal or mental institution.
E. Nursing, rest, or convalescent home, provided that it be located at least fifty feed (50') from any lot in an R District and is situated on a site of at least twenty thousand (20,000) square feet, and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.
F. Private club, fraternity, sorority, or lodge, excepting when the chief activity of which is a service customarily carried on as a business.
G. Public park or playground.
H. Place of worship.
I. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.
J. Golf course, except miniature course and driving tees operated for commercial purpose.
K. Clinics, but not animal clinics.

10-8-2 Conditional Uses.

A. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
B. Electrical distribution substation, pipeline pumping station, or water tower.
C. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.
D. Barber or beauty shop not to exceed two (2) chairs, providing a minimum of two (2) off-street standard parking stalls for each chair and substantially complying with the definition of a Home Occupation (10-23-1). Note, where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-8-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards: Front	Minimum Yards: Side	Minimum Yards: Rear	Minimum Frontage
35	25	6	25	50

B. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single	Minimum Lot Area Per Family: Two	Minimum Lot Area Per Family: Multiple
5,000	5,000	2,500	1,000

C. The minimum off-street parking spaces are as follows:

1. Multiple-family: One and one-half (1 1/2) per dwelling unit.
2. Rooming and boarding houses: One (1) per every two hundred (200) square feet of floor area.
3. Single and two-family: One (1) per full bath.
4. Place of worship: One (1) per four (4) seats in main room.
5. High schools and colleges: Ten (10) per classroom.
6. Elementary schools: Two (2) per classroom.
7. Hospital: Two (2) for each bed.
8. Sanitarium or nursing home: One (1) for each three (3) beds.
9. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning

Chapter 9 – R-6 Residential District

SECTIONS:

10-9-1 Permissive Uses
10-9-2 Conditional Uses
10-9-3 Height, Area and Off-Street Parking Requirements

10-9-1 Permissive Uses.

A. Single-family or two-family dwelling.
B. Rowhouses, townhouses, or multiple-family dwellings on tract no less than three (3) acres nor more than five (5) acres.
C. Public park or playground.
D. Place of worship.
E. Public school, elementary or high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
F. Golf course, except miniature course and driving tees operated for commercial purposes.
G. Clinic, except animal clinic.
H. Nursing, rest, or convalescent home, provided that it be located at least fifty feet (50') from any lot in an R District and is situated on a site of at least twenty thousand (20,000) square feet, and further provided that not more than fifty percent (50%) of the site area is occupied by buildings.

10-9-2 Conditional Uses.

A. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.
B. Electrical distribution substation, pipeline pumping station, or water tower.
C. Funeral home, provided that the facility is connected to a sanitary sewer; ample off-street parking is available as determined by the Zoning Board of Adjustment; all parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge-type landscaping, or the equivalent; outside lighting does not shine directly onto adjacent property; and that the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.
D. YMCA, a YWCA, or a Family "Y" which is affiliated with the National "Y" Organization, provided that any substantial change in activities to be conducted on the site after original approval shall be subject to review by the Zoning Board of Adjustment in the same manner as the original Conditional Use.
E. Barber or beauty shop not to exceed two (2) chairs, providing a minimum or two (2) off-street standard parking stalls for each chair and substantially complying with the definition of a Home Occupation (10-23-1). Note, where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-9-3 Height, Area and Off-Street Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards: Front	Minimum Yards: Side	Minimum Yards: Rear	Minimum Frontage
35	25	6	25	50

B. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single	Minimum Lot Area Per Family: Two	Minimum Lot Area Per Family: Multiple
7,000	7,000	3,000	3,000

C. The minimum off-street parking spaces are as follows:

1. Single and two-family: One (1) per full bath.
2. Multi-family: One and one half (1 1/2) per dwelling.
3. Place of worship: One (1) per four (4) seats in main room.
4. High schools and colleges: Ten (10) per classroom.
5. Elementary schools: Two (2) per classroom.
6. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
7. Hospital: Two (2) for each bed.
8. Sanitarium or nursing home: One (1) for each three (3) beds.
9. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 10 – R-L Large Scale Residential
Development District

SECTIONS:
10-10-1 Purpose
10-10-2 Location
10-10-3 Intensity of Land Use
10-10-4 Permissive Uses
10-10-5 Height and Parking Requirements
10-10-6 Open Space
10-10-7 Conditions Filing
10-10-8 Procedures
10-10-9 Approval of Outline Development Plan
10-10-10 Preliminary Development Plan
10-10-11 Final Development Plan
10-10-12 Building Permits
10-10-13 Failure to Begin Planned Development
10-10-14 Changes in Final Development Plan
10-10-15 Enforcement

10-10-1 Purpose. The R-L District is intended to provide the developer of land in the City of Muscatine the opportunity to creatively, economically, and aesthetically develop the property based upon a comprehensive plan for its development. It is the purpose of this Chapter to encourage flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economic provision of streets and utilities; and to preserve the natural and scenic qualities of open areas.

10-10-2 Location. The R-L District may be applied anywhere in the City, provided that the objectives and provisions of this Chapter are satisfied and that the planned development is consistent with the spirit and intent of the City's Comprehensive Plan.

A. Any planned development in which apartments, condominiums, or townhouses are proposed, or in which a mixture of apartment, condominium, townhouse, single and/or two-family housing types are proposed, and for which development of at least five (5) acres is proposed, shall conform to the requirements set forth herein

10-10-3 Intensity of Land Use. The following chart shall be used to determine the residential density range to be permitted within the R-L District:

Type of Development	Maximum Density Per Acre
Garden apartments (2-3 stories)	15 units or 38 bedrooms
Mid-rise apartments (4-6 stories)	28 units or 57 bedrooms
High-rise apartments (above 6 stories)	60 units or 130 bedrooms
Townhouse	10 units or 25 bedrooms

A. Where a proposed R-L development is a combination of different residential types, the Planning and Zoning Commission shall evaluate the planned development's density range based upon the relative proportion of residential types proposed. If single or two-family houses are proposed, each house must have a minimum lot area

of seven thousand (7,000) square feet; this may consist of direct ownership and/or common interest in real estate within the development.

10-10-4 Permissive Uses.

A. Single-family, two-family, townhouse and multiple-family residential.
B. Park or playground.
C. Customary accessory or associated uses, such as private garages, storage spaces, recreational, and community facilities.
D. Additional uses shall be allowed only to the extent that the Planning and Zoning Commission find them to be:
    1. Designed to serve primarily the residents of the RL District.
    2. Compatibly and harmoniously incorporated into the unitary design of the development.
    3. Compatibly and harmoniously related to adjacent neighborhood uses. Such additional uses may include:
        a. Place of worship.
        b. Public or private school.
        c. Institution.
        d. Public or semi-public facility.
        e. Golf course, tennis courts, swimming pool, or other sports facilities.
        f. Nursery, rest, or convalescent home.
        g. Day care center.

10-10-5 Height and Parking Requirements

A. The limits in feet are as follows:
    1. Maximum height: None.
    2. Minimum yards: None.
    3. Minimum width: None.
B. The minimum off-street parking spaces are as follows:
    1. Multiple-family: One and one-half (1 1/2) per dwelling unit.
    2. Single and two-family residential: One (1) per full bath.
    3. Place of worship: One (1) per four (4) seats in main room.
    4. High schools and colleges: Ten (10) per classroom.
    5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet.
    6. Sanitarium or nursing home: Two (2) for each bed.
    7. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

10-10-6 Open Space. A minimum of twenty-five percent (25%) of the R-L site area shall be developed as open space, including walkways, plazas, landscaped areas, pools, fountains, and playgrounds. Parking areas and vehicle access facilities shall not be considered in calculating open spaces.

10-10-7 Conditions.

A. The Planning and Zoning Commission may recommend and the City Council may impose conditions regarding the layout, circulation, performance, preservation, care, and maintenance of the proposed development and may require that appropriate deed restrictions be filed.

B. Upon recommendation of the Planning and Zoning Commission, the City Council may require the developer to file a bond or security to secure the City for the actual construction and installation to specifications determined by or in accordance with the regulation of the City Council.
    1. Street Improvements. Streets shall be filled or excavated to the grade approved by the City and set by the City Engineer. All streets shall be graded the full platted width and pavement shall be constructed of seven inches (7") Portland cement concrete pavement, unless otherwise concurred with by the City Engineer and approved by the Planning and Zoning Commission and City Council.
    2. Sewers.
        a. The developers shall make adequate provision for disposal of sanitary sewage from the proposed development. The developers shall, at their expense, construct a sanitary sewer system, including all necessary pumping stations, manholes, and other necessary appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the proposed development with an existing City sanitary sewer; such sewage system to be designed and constructed in accordance with the standards and specifications of the City. Design and construction of the sewage system and sewer grades must be approved by, and shall be under the supervision and inspection of the City Engineer. The developers may be required to pay a reasonable charge for such engineering, inspection service and hookup fees.
        b. Storm Sewers. Storm drainage structures shall be constructed where needed as determined by the City Engineer. Minimum size of all storm sewer shall be twelve inch (12") Class III reinforced concrete pipe.
        c. When it is impracticable to connect such sewage system with an existing City sewer and it is necessary to dispose of such sanitary sewage by a septic system, such system and the installation thereof shall meet the standards and specifications set by the Department of Public Health, State of Iowa.
    3. Water and Gas Service. The developer shall install, or cause to be installed, all necessary water mains, fire hydrants, and gas mains as approved by local utilities and the City.
    4. Electric Service. The developer shall install, or cause to be installed, all necessary electric transmission lines.
    5. Sidewalks. Sidewalks shall be installed, or cause to be installed, by the developer according to specifications prescribed by the City and located and set at the grade established by the Engineer.

10-10-8 Filing Procedures. The procedure for obtaining a change of zoning district to R-L shall be as follows:

A. A petition for a zoning change to R-L shall be submitted to the Community Development Department. Such petition shall comply with all applicable provisions of the Zoning Ordinance and rules of procedure of the Planning and Zoning Commission.
B. The applicant shall accompany the request for a zoning change with four (4) copies of an outline development plan. The outline development plan shall include both maps and written statement, and must show enough of the area surrounding the proposed planned development to demonstrate the relationship of the development to adjoining uses, both existing and proposed.
C. The outline development plan must contain the following information:

1. Maps and Diagrams. Maps and diagrams may be in general schematic form but must include:
    a. The title by which the development is to be known and recorded.
    b. The existing topographic character of the site and adjacent land.
    c. Existing and proposed land uses and the approximate locations of buildings and other structures and their exterior facades.
    d. The character and approximate density of dwellings.
    e. The approximate locations, width, and dimensions of all existing and proposed streets, alleys, walkways, and thoroughfares.
    f. The locations and approximate dimensions of all areas to be reserved for future use as school sites, parks, playgrounds, or similar features.
    g. The locations, approximate dimensions, and character of all areas, sites, grounds, streets, or similar features which are to be dedicated for public use.
    h. Landscaping and tree planting plan.
    i. The location and approximate dimensions of parking lots and areas.
    j. The locations and size of existing storm and/or sanitary sewers, water mains, or field drains within or readily accessible to the tract.
    k. The location and character of all existing easements.
    l. The bearing and distance from monumented block or lot corner within the tract to some corner of a congressional district division within the City.
    m. A plat giving the names, as shown on the last deed of record, of all property owners within two hundred feet (200') of the perimeter of the tract.
    n. A legal description of the tract.
    o. The name and seal of the registered engineer or surveyor who prepared the documents.
2. Written Statement. The written statement must contain the following information:
    a. A statement of the character of the planned development, to include:
        i. Its relationship to the Comprehensive Plan of the City of Muscatine.
        ii. Its relationship to adjoining uses, both existing and proposed.
        iii. Its relationship to topographic features of the site and adjacent land.
        iv. Limiting conditions such as soils, excessive grade or slope, unstable ground, high water table, etc.
    b. A general indication of the expected schedule of development.
    c. A statement of the present ownership of all land included within the planned development.
    d. A list of the current addresses of all property owners within two hundred feet (200') of the perimeter of the tract.

10-10-9 <u>Approval of Outline Development Plan.</u>

A. Within ninety (90) days after the filing of the outline development plan, the Planning and Zoning Commission shall forward the outline development plan to the City Council with a written report recommending that the plan be approved, approved with modifications, or disapproved and giving the reasons for these recommendations.

1. Recommendations from City staff and general concurrence of utility companies are required in conjunction with the Planning and Zoning Commission review.
2. The Planning and Zoning Commission shall hold a public meeting prior to making a recommendation on the proposal. The public meeting shall be held in accordance with State and Municipal codes and Planning and Zoning Commission rules of procedure.

B. The Planning and Zoning Commission shall consider the following factors in making its recommendation to the City Council:
   1. That the proposal substantially conforms to the Comprehensive Plan for the City.
   2. That the existing character of the neighborhood will not be adversely affected, and that adequate safeguards are provided to minimize possible detrimental effects on adjacent properties and the neighborhood.
   3. That there is ample provision for water supply, sanitary sewage disposal, storm and surface water drainage, and other utilities.
   4. That soil conditions, natural characteristics, topography, and geography do not present a substantial hazard to development.
   5. That there is adequate availability to police and fire protection, parks and recreational facilities, schools, and other community facilities and public services.
   6. That the location, height, and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspective in the vicinity.
   7. That patterns of pedestrian circulation and the effective use and design of open spaces, landscaping, exterior facade, and amenities are considered.
   8. That vehicular access is adequate to and within the site, that parking and loading spaces are adequate and well located, and that there are no conflicts between vehicular traffic and other uses and activities proposed.
   9. That the proposed installation of driveways, landscaping, and other site details are generally in harmony with the proposed structures, adjacent properties, and with the rights and interest of the general public.

C. After receiving the Planning and Zoning Commission's recommendations, the City Council shall hold a public hearing as provided by the Code of Iowa. Subsequent to holding said public hearing, the City Council shall approve, approve with modifications, or disapprove the outline development.
   1. If the outline development plan is approved, the City Council shall amend the Zoning Map to show the R-L District.
   2. If the outline development plan is approved with modifications, the City Council shall not amend the Zoning Map until the applicant has filed with the City Council written consent to the plan as modified.
   3. No building permits may be issued on land within the R-L District until the final development plan has been approved under the procedures provided in the following sections.

10-10-10 <u>Preliminary Development Plan.</u>

A. Within six (6) months after an outline development plan has been approved, an applicant shall file a preliminary development plan with the Community Development Department. Upon the filing of a preliminary development plan, the Community Development Director shall immediately refer one (1) copy of such plan to the City Engineer and one (1) copy to the Building and Zoning Administrator. This preliminary

plan shall then be presented at the next regular Planning and Zoning Commission meeting.

B. The Planning and Zoning Commission may authorize the submission of preliminary development plans in stages, if so requested by the applicant.

C. If a preliminary development plan covering at least twenty percent (20%) of the area of the outline development plan has not been submitted within six (6) months following the approval of the outline development plan, the City Council may withdraw its approval of the outline development plan. In its discretion and for good cause, the City Council may extend for three (3) months the period for filing the preliminary development plan.

D. The preliminary development plan shall include all of the following information:
    1. The location, width, and dimensions of all existing and proposed thoroughfares, streets, alleys, sidewalks, and walkways.
    2. All plot lines and plot designs (if applicable).
    3. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public or semi-public uses.
    4. The location and dimensions of each building site, common open area, improvement, and indication of open spaces around buildings and structures.
    5. Elevation and perspective drawings of proposed structures and improvements, except single-family residences and single-family residence accessory buildings. These drawings need not be of final architectural decisions and need not be in detail.
    6. A development schedule indicating approximate dates for start and completion of the project, if such schedule varies considerably from the schedule submitted with the outline development plan.
    7. All agreements, provisions, or covenants which will govern the use, maintenance, protection, performance, and/or design of the development and any of its common open areas.
    8. Off-street parking plan.
    9. A circulation diagram indicating proposed movement of vehicles and pedestrians within the development and to and from existing features and location and type of traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern.
    10. A landscaping and tree planting plan.
    11. The location and size of all existing storm or sanitary sewers, water mains, or field drains within or readily accessible to the development.
    12. The location and character of all existing easements and those proposed to be provided by the owner.
    13. The location of all proposed sewers.
    14. The location of all proposed water and gas mains.
    15. Grading plan, to include the location of waterways on the site or on adjacent land, and drainage plan with sufficient control grades to indicate the intent of the developer.
    16. The scale used on the drawings.
    17. Any other plans, diagrams, or information, as requested by the Planning and Zoning Commission or the City Council.

E. The preliminary development shall be prepared by and have the seal of an architect or engineer duly registered to practice in the State of Iowa.

F. Approval of Preliminary Development Plan. Recognizing that some developments may proceed in stages and only in conjunction with outside phased financing approval, utility installation and related indirect action, the developer and City may jointly decide on the following approval process:

1. The Planning and Zoning Commission shall review the preliminary development plan to determine if it is in substantial compliance with the outline development plan and recognized principles of civic design, land use, and landscape architecture. A recommendation of the City staff is required prior to Planning and Zoning Commission review. The Commission may then recommend to the City Council, within forty-five (45) days after the filing of the preliminary development plan, that the plan be approved, approved with modifications, or disapproved.
2. After receiving the preliminary development plan, the Commission may mutually agree with the developer to concurrently review the preliminary and final development plan as a single process. If this option is selected, then the Commission shall forward a recommendation to City Council on the final development plan.
3. If the City Council disapproves a preliminary or final development plan, the applicant shall re-file within forty-five (45) days of disapproval, or the City Council may withdraw its approval of the outline development plan.

10-10-11 Final Development Plan.

A. Within six (6) months following the approval of the preliminary development plan, the applicant shall file copies of a final development plan. The Community Development Director shall refer one (1) copy of the plan and accompanying papers to the Building and Zoning Administrator and one (1) copy to the City Engineer for review prior to the next Commission meeting.
    1. In its discretion and for good cause, the Planning and Zoning Commission may extend for six (6) months the period for the filing of the final development plan, upon request of the applicant.
B. The Planning and Zoning Commission shall review the final development plan and shall recommend to the City Council within forty-five (45) days after the filing of the final development plan, that the plan be approved if that plain is in substantial compliance with the approved preliminary development plan. If the preliminary development plan had been approved by the City Council with modifications, the final development plan shall include those modifications.
    1. If the City Council disapproves a final development plan, the applicant shall file with the Community Development Department a revised final development plan within forty-five (45) days of the date of disapproval, or the City Council may withdraw its approval of the outline development plan.
C. The final development plan shall include all those items required by the preliminary development plan and, in addition, the following information:
    1. The proposed names of all streets, public ways, and places dedicated for public use; and the location, width, dimensions, and specifications of all streets, alleys, sidewalks, and walkways.
    2. The type and location of all permanent monuments at block and lot corners and elsewhere within the development.
    3. All radii, arcs, chords, points of tangency, and central angles for curved streets and the radii of all rounded curves.
    4. The location, size, grade, and specifications of all proposed sewers, pumping stations, manholes, and other necessary appurtenances.
    5. The location, size, grade, and specifications of all proposed water and gas mains; and the location, size, and specifications of all fire hydrants.
    6. The location and character of all proposed electric transmission lines.
    7. The certification of the engineer or architect preparing the documents with his or her license number and seal and the date of preparation.

8. Certificate of approval for construction of water, electric, and gas service from the respective utility companies accompanied by a plat showing any easements required.
9. Three (3) sets of improvement plans and profile. All plans and drawings are to be submitted on twenty-four inch by thirty-six inch (24" x 36") plan and profile paper. Note: Any plans or profiles for recording in the Office of the County Recorder shall be eleven inches by seventeen inches (11" x 17").
10. Three (3) copies of all easement agreements for utility or other purposes.
11. Three (3) copies of a proposed resolution to be adopted by the City Council accepting lands to be dedicated for public use.
12. Three (3) copies of any agreement to be entered into between the applicant and the City of Muscatine providing for the grading of streets and installation of sewer system and other utilities or other improvements as may be required.
13. Three (3) copies of any deed restrictions or covenants required by the City Council under Section 10-10-7(A) of this Ordinance, or any other conditions imposed by the City Council under Section 10-10-7 of this Ordinance.
14. Three (3) copies of a proposed resolution to be adopted by the City Council approving and accepting the final development plan.

10-10-12 Building Permits.

A. Upon approval of the final development plan, the Building and Zoning Administrator shall issue building permits in accordance with all applicable State and local codes, regulations, and ordinances for buildings and structures in the area covered by the approved final development plan.

10-10-13 Failure to Begin Planned Development

A. If no construction has begun or no use established in the planned development within one (1) year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the Planning and Zoning Commission may extend for six (6)additional months the period for the beginning of the construction or the establishment of a use.
B. If a final development plan lapses under the provisions of this Section, the Community Development Director shall remove the planned development from the Zoning Map and shall file a notice of revocation of the recorded final development plan. The zoning regulations applicable before the final development was approved shall then be revised and in effect.

10-10-14 Changes in Final Development Plan.

A. No changes shall be made in the approved final development plan during the construction of the planned development, except under authorization by the Planning and Zoning Commission. No amendments shall be made in the approved final development plan, unless they are shown to be required by change in conditions that have occurred since the final development plan was approved or by changes in the development policy of the community.

10-10-15 Enforcement.

A. At least once every six (6) months following the approval of the final development plan, the Building and Zoning Administrator shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units.
B. If the Building and Zoning Administrator finds that the final development plan has not been followed, he or she shall forward this information to the Planning and Zoning Commission, which may recommend to the City Council revocation of approval of the final development plan.

Title 10 – Zoning
Chapter 11 – C-1 Neighborhood
and General Commercial District

SECTIONS:
10-11-1 Permissive Uses
10-11-2 Conditional Uses
10-11-3 Height, Area, and Off-Street Parking Requirements
10-11-4 Site Plan Review

10-11-1 Permissive Uses.

A. Any retail business establishment such as Large Scale Retail Development; appliance store; auto accessory store; bakery with baking limited to goods for retail sale on the premises; book or stationery store; restaurant, cafeteria, bar, or tavern, but not drive-in establishments; camera or photographic supply shop; candy or ice cream store; delicatessen; drug store; fabric shop; floor covering store; florist shop; furniture store, including incidental upholstering; gift shop; grocery store; haberdashery or women's ready-to-war store; tire sales and service; hardware or paint store; variety store; and other uses of a similar character, except there shall be no slaughtering of animals or poultry nor commercial fish cleaning and processing on the premises.
B. Personal service uses such as a bank or other financial enterprise; barber or beauty shop; business or professional office; funeral home; theater, but not drive-in theater; photographic or art studio; laundry or dry cleaning receiving station; self-service laundry or cleaning establishment; messenger, taxicab, newspaper, or telegraphic branch station; medical or dental clinic, but not animal clinic; dressmaking; tailoring; shoe repair; repair of household appliances and bicycles; catering; and other uses of a similar character.
C. General service and repair establishments, such as plumbing and heating; printing and painting; and upholstering.
D. Residence when located on the second story of a building or above.
E. Place of worship and religious, education, instructional, and institutional service.
F. Office or office building.
G. Indoor recreation facility.
H. Public park or playground.
I. Bus terminal.
J. Private club, fraternity, sorority, or lodge.

10-11-2 Conditional Uses.

A. Automobile service station or automobile repair shop.
B. Drive-in establishments, including drive-in restaurants and drive-in theaters.
C. Used car sales.
D. Farm store or feed store, including accessory storage of liquid or solid fertilizer.
E. Electrical distribution substation, pipeline pumping station, or water tower.
F. Hotel or motel.
G. Mobile home, boat, or farm implement sales.
H. Veterinarian clinic, animal hospital, or kennel.

I. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive uses, in accordance with Section 10-22-1 of this City Code.

10-11-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards: Front	Minimum Yards: Side	Minimum Yards: Rear	Minimum Frontage
45	20	6	20	None

B. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single	Minimum Lot Area Per Family: Two	Minimum Lot Area Per Family: Multiple
None	N/A	N/A	1,000

C. The minimum off-street parking spaces are as follows:
1. Restaurants and drive-in restaurants: One (1) per one hundred (100) square feet of floor area.
2. Retail food stores over four thousand (4,000) square feet: One (1) per two hundred (200) square feet of floor area.
3. Residence on second story of building: One (1) per full bath.
4. Place of worship: One (1) per four (4) seats in main room.
5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
6. All other non-residential buildings: One (1) every three hundred (300) square feet.
7. In Large Scale Retail Development, shared parking is permitted. The assignment of the same parking spaces to two or more different uses with off peak parking needs would satisfy the minimum off-street parking space requirement. Example, retail shopping and cinemas meet the off peak parking needs. The property owner shall present the proposed shared parking plan to the Site Plan Review Committee for review and approval.

10-11-4 Site Plan Review. Refer to Section 10-2-7(I).

Title 10 – Zoning
Chapter 12 – C-2 Central Commercial District

SECTIONS:
10-12-1 Permissive Uses
10-12-2 Conditional Uses
10-12-3 Height, Area, and Off-Street Parking Requirements
10-12-4 Site Plan Review

10-12-1 Permissive Uses.

A. Any permissive use in the C-1 District.
B. Printing or newspaper publishing plant.
C. Hotel or motor hotel.
D. Laundry.
E. Auto service station or automobile repair shop.
F. Wholesale merchandising or storage warehouse.
G. Public parking lot, customer, and other accessory parking area.
H. Private club, fraternity, sorority, or lodge.

10-12-2 Conditional Uses.

A. Electrical distribution substation and pipeline pumping station.
B. Manufacture or assembly of wood or paper products.
C. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive uses, in accordance with Section 10-12-1 of the City Code.

10-12-3 Height, Area, and Off-Street Parking Requirements.

A. There shall be a maximum floor area ratio of 4:1 with buildings not to exceed eight (8) stories, except that where a building is set back from one (1) or more lot lines, the floor area of such building or buildings may be increased by two (2) square feet of additional floor area for each square foot of open area provided. Maximum floor areas may be further increased by one (1) square foot of open space that is landscaped and planted and not paved.
B. The limits in feet are as follows:

Minimum Yards			
Front	Side	Rear	Minimum Frontage
None	None	None	None

C. The limits in square feet are as follows:

	Minimum Lot Area Per Family		
Minimum Lot Area	Single	Two	Multiple
None	None	None	None

D. The minimum off-street parking spaces are as follows:

1. Wholesale warehouse or similar establishment: One (1) per five hundred (500) square feet of floor area.
2. Residential: One (1) per full bath.
3. Place of worship: One (1) per four (4) seats in main room.
4. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.

Exception: All nonresidental uses within the C-2 District shall be exempt from off-street parking requirements.

10-12-4 Site Plan Review. Review to Section 10-2-7(I).

Title 10 – Zoning
Chapter 13 – C-3 Planned
Commercial District

SECTIONS:
10-13-1 Permitted Uses
10-13-2 Requirements of Plans

10-13-1 Permitted Uses. A building or premises on tracts of land may be used only for the retail sale of merchandise; services, banks, and financial institutions; restaurants; general and professional offices; service stations; recreation, except outdoor theaters; parking areas; and other similar facilities.

Before land is used or a building erected or used for any of the above purposes, a preliminary plan and a final plan shall be approved by the City Council, upon recommendation from the Planning and Zoning Commission, for all contiguous property within this District in any one location. The City Council shall have thirty (30) days to consider and approve or reject a preliminary plan, with or without modifications, although this period may be extended by agreement of the parties concerned. Final plans will be approved when in accordance with approved preliminary plans. From time to time, the proponents may make changes in the approved final plan, so long as such changes have been approved by the Planning and Zoning Commission or upon denial of approval by said Commission, with the approval of the Council. What constitutes a "minor" change will be determined in the sole discretion of the Commission. No building or occupancy permits shall be issued for any building or use that is not in accordance with an approved final plan.

10-13-2 Requirements of Plans. The preliminary plan shall:

A. Be drawn to scale.
B. Show boundaries of property to be developed.
C. Show the proposed size, location, use, and arrangement of stalls and the number of cars, entrance and exit driveways, and their relationship to existing and proposed streets.
D. Indicate location, type, use, and size of structures on adjacent properties within two hundred feet (200') of the proposed development.
E. Provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown on the official plan.
F. Indicate the stages, if any, which will be followed in construction.

The final plan shall be the standard plan required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building or portion thereof.

Title 10 – Zoning

Chapter 14 – M-1 Light Industrial District

SECTIONS:

10-14-1 Permissive Uses
10-14-2 Conditional Uses
10-14-3 Height, Area, and Off-Street Parking Requirements
10-14-4 Note Applicable Criteria for Permissive and Conditional Uses
10-14-5 Site Plan Review

10-14-1 Permissive Uses. (See Note 10-14-4)

A. Any use permitted in the C-2 District, as long as the users are not offensive due to emission of noise, odor, dust, gas, smoke, or vibration, except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted, with the exception of a single-family dwelling located on a lot two (2) acres or more in size.
B. The manufacturing, assembling, or treatment of articles or merchandise from the following prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastic, precious or semi-precious metals or stones, rubber, textiles, wood, and yarn.
C. The manufacturing or assembly of bolts, nuts, screws, and rivets; boats; ornamental iron products; firearms; electrical appliances; electronic instruments and devices; tools, dies, machinery, and hardware products; medical and dental equipment; drafting and optical instruments; musical instruments; watches and clocks; and toys and games.
D. The manufacture or storage of food products, including beverage bottling, bakery products, candy manufacture, fruit and vegetable processing and canning; but not packing and processing of meat and poultry products, distilling of beverages, or slaughtering of animals.
E. The manufacture, compounding, processing, packaging, or treatment of such products as cosmetics, pharmaceuticals, and toiletries.
F. Builders or contractors plant or storage yard; building materials sales and storage yard, including concrete mixing; and lumber yard, including millwork.
G. Open yard for storage and sale of feed, fertilizer, or fuel.
H. Automobile, truck, trailer, and garden and farm implement establishments for sales, display, and hire, including sales lots.
I. Truck or motor freight terminals, provided that service yards or docks are located at least two hundred feet (200') from any lot in an R District.
J. Drive-in restaurant.
K. Animal hospital, veterinary clinic, or kennel, provided that buildings or enclosures are at least one hundred feet (100') from any lot in an R District.
L. Public or private open-air recreational uses, provided that such uses are not within two hundred feet (200') of any R District.
M. Greenhouse or nursery.
N. Agricultural activity, except that all livestock operations or farms in excess of ten (10) head shall have a minimum of twenty (20) acres.

10-14-2 Conditional Uses. (See Note 10-14-4)

A. Electrical distribution substation, pipeline pumping station, or water tower.
B. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive -uses.

C. Solid Waste Transfer Station.

10-14-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

	Minimum Yards			
Maximum Height	Front	Side	Rear	Minimum Width
75	30	None	None	None

B. The minimum off-street parking spaces are as follows:
   1. Manufacturing or industrial establishment: Two (2) parking spaces for every three (3) employees on the maximum shift, plus vehicles used in connection therewith.
   2. Place of worship: One (1) per four (4) seats in main room.
   3. Community center, library, museum, or semi-public building: One (1) per every three hundred (300) square feet in building.
   4. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

10-14-4 Note Applicable Criteria for Permissive and Conditional Uses. In the event of new construction or substantial improvements, that is, the repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value, the Permissive and Conditional Uses of this district shall comply with the following applicable criteria:

A. Noxious fumes including dust, that is, fumes and dust which are in sufficient quantity to be harmful to health, shall not be emitted beyond the property line.
B. Noise, including vibration, shall not cause the ambient noise level as measured at the property line to exceed 75 decibels (dbA).
C. In such cases where new construction or substantial improvements of a nonresidential nature are proposed adjacent to existing residential units, no direct outside lighting shall shine onto adjacent property.
D. In such cases where new construction or substantial improvements of a nonresidential nature are proposed adjacent to existing residential units, outside trash receptacles and outside storage of equipment shall be screened from view by fencing (at least seventy-five percent (75%) opaque) or landscaping of sufficient height and density to provide screening at maturity or within three (3) years.

10-14-5 Site Plan Review. Refer to Section 10-2-7(I).

Title 10 – Zoning

Chapter 15 – M-2 General Industrial District

SECTIONS:

10-15-1 Permissive Uses
10-15-2 Conditional Uses
10-15-3 Height, Area, and Off-Street Parking Requirements
10-15-4 Site Plan Review

10-15-1 Permissive Uses.

A. Any use, except the following conditional uses and except that no dwelling other than that for a resident watchman or caretaker employed on the premises is permitted.

10-15-2 Conditional Uses.

A. Acid manufacture.
B. Auto salvage and wrecking operations, industrial and waste salvage operations, and junkyards, provided that all operations are conducted within an area enclosed on all sides with a solid wall of fence not less than eight feet (8') in height, located not less than two hundred feet (200') from any R District and one hundred feet (100') from any C District. No pile of salvage, scrap, or other material shall be higher than eight feet (8').
C. Bulk manufacturing, processing, and/or storage plants.
D. Cement, lime, gypsum, or other similar manufacture.
E. Distillation, manufacture, or refining of bones, coal, or tar asphalt.
F. Explosives manufacture or storage.
G. Fat, grease, lard, or tallow rendering or refining.
H. Fertilizer manufacture.
I. Gas manufacture and distribution.
J. Garbage, offal, or dead animal disposal.
K. Glue manufacture.
L. Packing plant, slaughter house, or stockyard.
M. Petroleum products terminal.
N. Sewage disposal and treatment.
O. Sanitary landfill.
P. Feed lot, livestock confinement area, provided location is not within two hundred feet (200') from any R District.

10-15-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

	Minimum Yards			
Maximum Height	Front	Side	Rear	Minimum Width
75	30	None	None	None

B. The minimum off-street parking spaces are as follows:

1. Manufacturing or industrial establishment: Two (2) parking spaces for every three (3) employees on the maximum shift, plus vehicles used in connection therewith.
2. Junkyards: Ten (10) per two thousand (2,000) square feet of lot area.
3. Place of worship: One (1) per four (4) seats in main room.
4. High schools and colleges: Ten (10) per classroom.
5. Elementary schools: Two (2) per classroom.
6. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
7. Hospital: Two (2) for each bed.
8. Sanitarium or nursing home: One (1) for each three (3) beds
9. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

10-15-4 Site Plan Review. Refer to Section 10-2-7(I).

Title 10 – Zoning
Chapter 16 – S-1 Special
Development District

SECTIONS:
10-16-1 Intent and Purpose
10-16-2 Application for Special Development District
10-16-3 Permissive Uses
10-16-4 Height and Density Regulations
10-16-5 Approval of Plans
10-16-6 Plan Requirements
10-16-7 Construction Schedule and Assurance of Completion

10-16-1 Intent and Purpose. It is the purpose of this District to provide an opportunity for modern and imaginative architectural design, site arrangement, and City planning for certain special and unusual areas. These areas are not extensive; they will be generally described and outlined on the Official Zoning District Map. Within them, there should be a carefully planned combination of residential, commercial, public, and semi-public uses, or of some of these uses.

10-16-2 Application for Special Development District. The owner or owners of land included in areas suitable for establishment of a Special Development District, as shown on the Official Zoning District Map of the City, may petition the Council for the establishment of the Special Development District. The application for the establishment of this District shall indicate:

A. The area to be encompassed in said District.
B. Citation of the City's Comprehensive Plan's recommendations or comments on the area encompassed in said District and whether the proposal varies from or conforms to the City's Comprehensive Plan.
C. Evidence of unified ownership and control of the area applied for.
D. Evidence of financial capability of the petitioners to carry out the general type of development contemplated for the area.
E. Evidence of applicant's proposed general use of the area.
F. In establishing a Special Development District, the Commission and the Council shall give consideration among their factors to the criteria listed in Section 10-16-5 hereof.

Establishment of said Special Development District shall be by amendment of this Ordinance in accordance with the procedures established herein.

10-16-3 Permissive Uses.

A. Single-family dwelling, two (2) family dwelling, or multifamily dwelling.
B. Public park or playground.
C. Place of worship.
D. Public or private school.
E. Rooming house or boarding house.
F. Office building or medical clinic.
G. Nursing, rest, or convalescent home.
H. Public building erected by any governmental agency.

I. Automobile parking lot or storage or parking garage.
J. Bank or financial institution.
K. Mortuary.
L. Personal service uses, including barber shop, beauty parlor, photographic or art studio, messenger, taxicab, newspaper or telegraphic branch station, laundry or dry cleaning receiving station, and other uses of a similar character.
M. Retail store, in connection with which there shall be no slaughtering of animals or poultry, nor commercial fish cleaning and processing on the premises.
N. Theater, not including drive-in theaters.
O. Restaurants, cafeterias, bars, and taverns, not including drive-in establishments.
P. Automobile service station.
Q. Bowling alley or billiard parlor.
R. Dancing or music academy.
S. Display and salesroom.
T. Hotel or motel.
U. Laboratory, research, experimental, or testing.
V. Milk distributing station.
W. Radio or television broadcasting station or studio.
X. Rental agency.
Y. Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and service, upholstering and other general service or repair establishment of similar character. Not more than ten percent (10%) of the lot or tract occupied by such establishment shall be used for the open and unenclosed storage of materials or equipment.
Z. Bakery.
AA. Bottling works.
BB. Wholesale establishment or warehouse in a completely enclosed building.
CC. Bus terminal.

10-16-4 Height and Density Regulations. Height and density limits in the S-1 District are established by setbacks and floor area ratios. For residential, industrial, hotel, motel, and multiple dwelling uses, there shall be a maximum floor area ratio of 4:1. For commercial uses in the S-1 District, there shall be a maximum floor area ratio of 4:1.

10-16-5 Approval of Plans. Before land is used or a building is erected or used in the Special Development District, a preliminary and a final plan shall be approved by the Commission and the Council for all contiguous property within this District in any one location. The Commission shall have ninety (90) days to consider and approve or reject a preliminary plan with or without modifications, although this period may be extended by agreement of the parties concerned. The final plan shall be approved or rejected by the Commission within ninety (90) days of submittal. Final plans will be approved when in accordance with the approved preliminary plans. In approving plans, the Commission and the Council shall consider the following factors.

A. Those affecting the community as a whole:
    1. Uses or use.
    2. Intensity of use.
    3. Traffic.
B. Those affecting the neighborhood:
    1. Heights.
    2. Front, side, and rear yard definitions and uses where they occur at the development periphery.

C. Those affecting the development itself:
    1. Gross commercial building areas.
    2. Area ratios and the designation of the land surfaces to which they apply.
    3. Spaces between buildings. Open areas, if any.
    4. Width of streets in the development, if any.
    5. Setbacks from such streets, if any.
    6. Off-street parking and loading standards.
D. Those affecting the development procedures:
    1. The order in which development will likely proceed in complex multiple use developments.
    2. Estimates of time required to complete the development and its various stages, if any.
    3. List of streets, lighting, parking, or other improvements by the City, which in any way affect the development.

From time to time during construction, the developer may make minor technical changes in an approved final plan, so long as such changes have been approved by the Planning Commission, or upon denial of approval by the Planning Commission, with the approval of the Council. Any other changes to the approved final plan shall be accomplished by the submission of preliminary plans and final plans of such changes, which shall be approved under the procedures, as set forth herein, for the approval of the original preliminary plans and the approval of the original final plans. No building permit or certificate of occupancy shall be issued for any building or use that is not in accordance with an approved final plan.

10-16-6 Plan Requirements. The preliminary plan shall:

A. Be drawn to scale.
B. Show boundaries of property to be developed.
C. Show existing topography with contour intervals of not less than two feet (2') obtained from a field survey and referred to an approved City bench mark.
D. Show the proposed size, location, use, and arrangement of the buildings and the proposed arrangement of stalls and the number of cars, entrance and exit driveways, and their relationship to existing and proposed street parking areas.
E. Show drainage plan with sufficient control grades to indicate the intent of the developer.
F. Indicate location, type, and size of structures on adjacent properties within two hundred feet (200') of the boundary of the Special Development District.
G. Provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown on the Comprehensive Plan.
H. Indicate the stages, if any, which will be followed in carrying out the construction of the project and interim use and maintenance of areas not under construction at any given time.
I. Contain a traffic analysis prepared by a registered professional engineer who is skilled in the science of traffic engineering, indicating the estimated traffic to be generated by the complete development of the project with said estimates shown for the average week, twenty-four (24) hour period, and for the peak morning and evening traffic hours. The impact of this new traffic on existing traffic in the vicinity of the project shall be appraised and a list submitted of new street construction and new traffic control measures required to accommodate the estimated traffic increases.

The final plan shall be the standard plot plan required to obtain a building permit, except that it shall show the use or types of uses to be accommodated in each building or portion thereof.

10-16-7 Construction Schedule and Assurance of Completion. With the final plan, the proponents shall submit a construction schedule. Construction shall begin within one (1) year after approval of the final plan and shall be completed within five (5) years after approval of the final plan, except that the Council may extend and change, or either of them, such periods upon a showing of good and sufficient cause. With the final plan, the applicant shall file a surety bond or escrow agreement to insure the construction of the project within the period specified. No such bond or escrow shall be acceptable, unless it is enforceable by or payable to the City in a sum at least equal to the estimated costs of all of the site improvements (streets, drives, walks, walls, storm and sanitary sewers, landscape planting, ornamental features not on a building, and terraces) for the entire project. Said bond or escrow shall be in a form and with surety and conditions approved by the City Attorney. In the event of default under such bond or escrow, the City shall use the sum defaulted to construct said site improvements.

Title 10 – Zoning
Chapter 17 – S-2 Institutional -
Office District

SECTIONS:
10-17-1 Permissive Uses
10-17-2 Conditional Uses
10-17-3 Height, Area, and Off-Street Parking Requirements

10-17-1 Permissive Uses.

A. Single and two (2) family dwellings.
B. Bank.
C. General business office.
D. Professional office.
E. Medical or dental clinic.
F. Studio for artist, photographer, sculptor, or musician.
G. Art gallery.
H. Place of worship.
I. Hospital or sanitarium.
J. Public building.
K. Educational, religious, or philanthropic institution.
L. Nursing, rest, or convalescent home.
M. Business, dancing, music, and other similar schools and colleges.
N. Lodge, club, fraternity, or sorority.
O. Library.
P. Parking structure or lot.
Q. Laboratory and research center.
R. Private or public school.

10-17-2 Conditional Uses.

A. Retail Sales. As of the effective date of the adoption of this Section of the Ordinance, existing uses within the S-2 District Boundaries may be considered for conversion to retail uses. Site criteria required:
    1. A map indicating land uses, property owners and their mailing addresses within two hundred feed (200') of the parcel of lot(s) proposed for retail sales.
    2. Yard setback requirements.
    3. A floor plan of the proposed structure or conversion of an existing operation.
    4. The location and direction of outside lighting.
    5. The location of curb cuts, internal traffic circulation on the site, and parking lot layout.
    6. Sign location and size.
    7. Visual screening from adjacent properties.
    8. Location of outside storage, trash receptacles, and vending machines, including can and bottle redeeming machines.
    9. Other such information as may be requested by the Zoning Board of Adjustment.
    10. The intensity of projected traffic on the site of the proposed retail use should not be significantly greater than the existing traffic intensity.

10-17-3 Height, Area, and Off-Street Parking Requirements.

A. The limits in feet are as follows:

Maximum Height	Minimum Yards: Front	Side	Rear	Minimum Frontage
45	20	6	20	None

B. The limits in square feet are as follows:

Minimum Lot Area	Minimum Lot Area Per Family: Single	Two	Multiple
7,000	7,000	3,000	N/A

C. The minimum off-street parking spaces are as follows:

1. Single and two (2) family: One (1) per full bath.
2. Place of worship: One (1) per four (4) seats in main room.
3. High schools and colleges: Ten (10) per classroom.
4. Elementary schools: Two (2) per classroom.
5. Community center, library, museum, or similar public or semi-public building: One (1) per every three hundred (300) square feet in building.
6. Hospital: Two (2) for each bed.
7. Sanitarium or nursing home: One (1) for each three (3) beds.
8. All other nonresidential buildings: One (1) per every three hundred (300) square feet.

Title 10 – Zoning
Chapter 17A – S3 Large Scale Mixed Use Development (MXD) District

SECTIONS:
10-17A-1 Intent and Purpose
10-17A-2 Permissive Uses
10-17A-3 Conditional Uses
10-17A-4 Approval of Development Plans
10-17A-5 Height, Area, and Off-Street Parking Requirements

10-17A-1 Intent and Purpose. It is the primary purpose of this S-3 Mixed Use Development (MXD) District to provide large scale areas in the City within which commercial, light industrial, and residential uses can locate with the assurance of a high permanent level of design quality, extensive site amenity, open space and compatibility with existing land uses. Stringent site planning, aesthetically desirable design, screening standards, buffer strips, sign requirements and other appropriate procedures will be used to achieve the desired results of compatibility with existing uses and protection between future residential and nonresidential land uses.

As this S-3 MXD District will be a unique setting with a wide array of land uses, it requires a site with a minimum size of eighty (80) acres for said designation.

10-17A-2 Permissive Uses:

A. Any uses permitted in the Residential Zoning Districts. Residential development shall occur on tracts of a minimum size of five (5) acres and an open space buffer 50 feet wide, within which no structure is permitted, is required to separate all non-residential uses from residential uses.
B. Any uses permitted in the M-1 Light Industrial Zoning District, further including such uses as research and development facilities, industrial parks, and office parks shall occur on tracts of a minimum size of five (5) acres. In the case of minor residential streets, the minimum right-of-way may be 50 feet.

10-17A-3 Conditional Uses:

A. Those uses listed as Conditional Uses in the Residential Zoning District.
B. Those uses listed as Conditional Uses in the M-1 Light Industrial Zoning District.

10-17A-4 Approval of Development Plans. The subdivision of any real estate within the S-3 MXD District shall be in accordance with Title 11, Subdivision Regulations, of the City Code. To facilitate the development approval process a preliminary site plan may be submitted to the Planning and Zoning Commission. If Commission approval is granted on the preliminary site plan, the developer then has the assurance that the proposal is consistent with the intent of the S-3 MXD District. The following preliminary site plan information shall be required, but not limited to, such criteria as:

A. Proposed facility description, including type of use, process, or service, approximate number of employees on initial start and within five years.
B. Information on traffic generation, deliveries, employee parking, and public access to the facility.

C. Information on required utilities, utility extensions if required, and any unique requirements for material disposal or pre-treatment of sanitary sewage.
D. Approximate perimeter boundaries, acreage, and topographical features.
E. Proposed location, or alternative locations, of any structures, parking lots, outside storage and landscaping. This may be in the form of a concept layout.
F. Information on proposed public improvements necessary to serve the development. This includes the extension of public streets, sidewalks, storm and sanitary sewers, public transit shelters or any other public amenities.

The above information shall be submitted in narrative and/or graphic format to the Director of Planning and Community Development; a meeting for the purpose of taking action on the preliminary site plan shall then be conducted within the ten (10) days by the Planning and Zoning Commission. Upon approval of the preliminary site plan, the developer has the assurance that the proposal conforms to the intent of the S-3 MXD District and the proposal shall be permitted. A final site plan shall then be developed and approved in accordance with the Site Plan Review Criteria of the City Code in Title 10, Chapter 2, Section 7, as amended.

10-17A-5 Height, Area and Off-Street Parking Requirements. A minimum tract of real estate consisting of eighty (80) acres is required for designation as the S-3 MXD District. A minimum tract of five (5) acres is required for all residential development and non-residential. An open space buffer 50 feet wide, within which no structure is permitted, is required to separate all nonresidential uses from residential uses. All other dimensional requirements are associated with the respective uses listed in the Residential Districts and M-1 Light Industrial District. These respective Zoning District requirements shall be construed as minimum applicable requirements for development in the S-3 District.

Title 10 – Zoning

Chapter 18 – A-P Airport District

SECTIONS:

10-18-1 Basic Intent and Purpose
10-18-2 Definitions
10-18-3 Airspace Zones
10-18-4 Height Restrictions
10-18-5 Land Use Restrictions
10-18-6 Lighting
10-18-7 Airport Zoning Map
10-18-8 Nonconforming Uses
10-18-9 Permits
10-18-10 Variances
10-18-11 Appeals
10-18-12 Conflicting Regulations

10-18-1 Basic Intent and Purpose. It is hereby found that:

A. An airport hazard endangers the lives and property of users of the Muscatine Municipal Airport and property or occupants of the land in its vicinity, and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Muscatine Municipal Airport and the public investment therein.
B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Muscatine Municipal Airport.
C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, it is necessary to prevent the creation of airport hazards to regulate and restrict the use of land in the vicinity of the Muscatine Municipal Airport.
D. The prevention of airport hazards should be accomplished, to the extent legally possible, by the proper exercise of the police power.
E. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which municipalities may raise and expend public funds, as an incident to the operation of airports, to acquire lands or property interests therein.

10-18-2 Definitions. As used in this Chapter, unless the context otherwise requires:

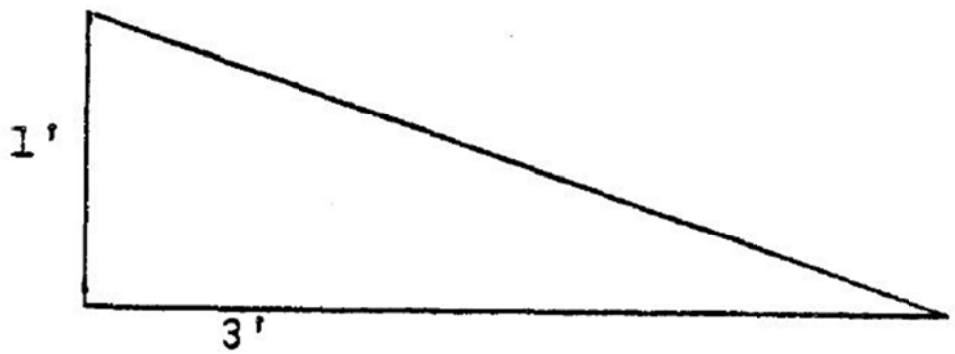
A. "Airport" means the Muscatine Municipal Airport.
B. "Airport elevation" means the established elevation of the highest point on the usable landing area, which elevation is established to be five hundred forty-seven and one-half feet (547.5') above mean sea level.
C. "Airport hazard" means any structure or object of natural growth located on or in the vicinity of the airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
D. "Decision height" means the height at which a decision must be made during an instrument landing system instrument approach to either continue the approach or to execute a missed approach procedure.

E. "Height". For the purpose of determining the height limits in all zones set forth in this Chapter and shown on the Muscatine Municipal Airport Zoning Map, the datum shall mean sea level elevation, unless otherwise specified.
F. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment for which an instrument approach procedure has been approved or planned.
G. "Landing area" means the area of the airport used for the landing, taking off, or taxiing of aircraft.
H. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard approach procedure where no electronic glide slope is provided.
I. "Minimum enroute altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
J. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on very high frequency omni-range station airways, off-airway route, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.
K. "Nonconforming use" means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto.
L. "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a planning document having the approval of the Federal Aviation Administration (FAA).
M. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
N. "Planned". As used in this Chapter, only those proposed future airport developments that are so indicated on a planning document having the approval of the FAA and the City of Muscatine.
O. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway, but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
    1. Two hundred fifty feet (250') for utility runways having only visual approaches.
    2. Five hundred feet (500') for utility runways having nonprecision instrument approaches.
    3. For other utility runways the width is:
        a. Five hundred feet (500') for visual runways having only visual approaches.
        b. Five hundred feet (500') for nonprecision instrument runways having visibility minimums greater than three-fourths (3/4) statute mile.

The width of the primary surface of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for either end of that runway.

P. "Runway" means any existing or planned paved surface or turf covered area of the airport which is specifically designated, or used or planned to be used for the landing or takeoff of aircraft.
Q. "Slope" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

Example:



Slope = 3:1 (3 feet horizontal to 1 foot vertical)

R. "Tree" means any object of natural growth.
S. "Utility runway" means a runway that is constructed for an intended use by propeller five hundred (12,500) pounds maximum gross weight or less.
T. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight in instrument approach proc indicated on an FAA planning document submitted to the FAA by competent authority.

10-18-3 Airspace Zones. In order to carry out the provisions of this Chapter, there are hereby created and established the following airspace zones, whose locations and dimensions are described below and which are shown on the Muscatine Municipal Airport Zoning Map, consisting of two (2) sheets and dated October 16, 1975, which is made a part hereof by reference and is on file in the Office of the City Clerk. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. "Primary zone,' means all that land which lies directly under the primary surface.
B. "Horizontal zone" means all that land which lies directly under an imaginary horizontal surface one hundred fifty feet (150') above the established airport elevation, or a height of six hundred ninety-seven and one-half feet (697.5') above mean sea level, the perimeter of which is constructed by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of existing or planned runways designated as utility or visual and ten thousand feet (10,000') for all others, and connecting adjacent arcs by lines tangent to these arcs. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. The horizontal zone does not include the approach and transitional zones.

C. "Conical zone" means all that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal zone at a slope of twenty to one (20 to 1) for horizontal distance of four thousand feet (4,000') as measured radially outward from the periphery of the horizontal surface. The conical zone does not include the precision instrument approach zones and transitional zones.

D. "Approach zone" means all that land which lies directly under an imaginary approach surface centered on the extended centerline at each end of a runway. The inner edge of the approach surface is at the same width and elevation as, and coincides, with the end of the primary surface. The approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

1. The inner edge of the approach surface is:
    a. Two hundred fifty feet (250') wide for visual utility runways.
    b. Five hundred feet (500') wide for visual runways other than utility runways and nonprecision instrument runways.
    c. One thousand feet (1,000') for precision instrument runways.
2. The outer edge of the approach zone is:
    a. One thousand, two hundred fifty feet (1,250') for visual utility runways.
    b. One thousand, five hundred feet (1,500') for visual runways other than utility runways.
    c. Four thousand feet (4,000') for nonprecision instrument runways.
    d. Sixteen thousand feet (16,000') for precision instrument runways.
3. The approach zone extends for a horizontal distance of:
    a. Five thousand feet (5,000') at a slope of twenty to one (20 to 1) for all visual runways.
    b. Ten thousand feet (10,000') at a slope of thirtyfour to one (34 to 1) for nonprecision instrument runways.
    c. Ten thousand feet (10,000') at a slope of fifty to one (50 to 1), and then twelve thousand feet (12,000') at a slope of forty to one (40 to 1), and then restricted to five hundred feet (500') above airport elevation for twenty-eight thousand feet (28,000') for precision instrument runways.

E. "Transitional zone" means all that land which lies directly under an imaginary surface extending upward and outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven to one (7 to 1) from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at right angles to the runway centerline. The transitional surface for the precision approach extends upwards and outward at a slope of seven to one (7 to 1) until it intersects a plane five hundred feet (500') above the airport elevation, at which time it becomes a plane five hundred feet (500') above the airport elevation.

F. No structure shall be erected that raises the published minimum descent altitude or decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any Federal airway.

10-18-4 <u>Height Restrictions.</u> Except as otherwise provided in this Chapter, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Section 10-18-3 so as to project above any of the imaginary airspace surfaces described in said Section 10-18-

3 hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

10-18-5 Land Use Restrictions.

A. Subject to all times to the height restrictions set forth in Section 10-18-4, no use shall be made of any land in any of the airspace zones defined in Section 10-18-3 which creates or causes interference with the operations of radio or electronic facilities of the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft using or intending to use the Muscatine Municipal Airport.
B. The primary zone shall contain no buildings or temporary structures and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permissive uses include agricultural activities, light outdoor recreation (nonspectator), and auto parking.
C. The following uses are specifically prohibited under the approach zones:
    1. Theaters, fairgrounds, and auditoriums.
    2. Gas and oil facilities.
    3. Trash dumps and incinerators.
    4. Poultry and mink farms.
D. Subject to all times to the restrictions set forth in Sections 10-18-4 and 10-18-5(A), (3) and (C), the land in the airspace zones are subject to the regulations and requirements of the zoning district in which they are situated, as shown on the District Map of the City of Muscatine, as described in Section 10-2-2 of the Zoning Ordinance.

10-18-6 Lighting.

A. Notwithstanding the provisions of Section 10-18-5, the owner of any structure over two hundred feet (200') above ground level must install on the structure lighting in accordance with FAA Advisory Circular 70-7460-ID and amendments. Additionally, any structure constructed after the effective date of this Ordinance and exceeding nine hundred forty-nine feet (949') above ground level must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 70-7460-ID and amendments.
B. Any permit or variance may be so conditioned as to require the owner of the structure or growth in question to permit the City of Muscatine at its own expense to install, operate, and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

10-18-7 Airport Zoning Map. The several zones herein established are shown on the Muscatine Municipal Airport Zoning Map, consisting of two (2) sheets and dated October 16, 1975, made a part hereof by reference and on file in the Office of the City Clerk, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Chapter.

10-18-8 Nonconforming Uses.

A. Regulations Not Retroactive. The regulations provided in this Chapter shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alterations, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently prosecuted.
B. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the appropriate official who may be charged with the duty of determining the necessity of lighting and marking to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

10-18-9 Permits.

A. Future Uses. No material changes shall be made in the use of land and no tree or structure shall be erected, altered, planted, or otherwise established in any zone hereby created, unless a permit therefore shall have been applied for and granted by the Building and Zoning Administrator.
    1. However, a permit for a tree or structure of less than seventy-five feet (75') of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand, two hundred feet (4,200') from each end of the runway, except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height limits prescribed for the respective zone.
    2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction or growth of any structure or tree in excess of any of the height limitations established by this Chapter.
B. Existing Uses. Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except when indicated, all applications for such permit shall be granted.
C. Nonconforming Uses Abandoned or Destroyed. Whenever the Building and Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than sixty-five percent (65%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

10-18-10 Variances. Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this Chapter, may apply to the Zoning Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Chapter.

A. No application for variance to the requirements of this Chapter may be considered by the Zoning Board of Adjustment, unless a copy of the application has been submitted to the Airport Manager of the Muscatine Municipal Airport for an opinion as to the aeronautical effects of such a variance.

10-18-11 Appeals. Any person aggrieved, or any taxpayer affected, by any decision by the Building and Zoning Administrator made in the administration of this Chapter may appeal to the Zoning Board of Adjustment by complying with the provisions of Section 10-22-2(c) of the Zoning Ordinance.

10-18-12 Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Title 10 – Zoning

Chapter 19 – Other Use Regulations

SECTIONS:

10-19-1 Accessory Buildings
10-19-2 Signs, Canopies, and Awning Regulations
10-19-3 Fence Regulations
10-19-4 Mobile Home Regulations
10-19-5 Nonconforming Use Regulations
10-19-6 Cemetery Development Standards

10-19-1 Accessory Buildings. Accessory buildings and uses are permitted when in accordance with the following:

A. In the AG District, accessory buildings and uses are limited to:
    1. Dwellings for persons employed on the premises, including mobile homes, provided such mobile homes are occupied by persons employed on the premises or immediate members of the family and do not exceed one (1) per farm tract.
B. In the R Districts, accessory buildings and uses are limited to:
    1. A noncommercial greenhouse that does not exceed in floor area twenty-five percent (25%) of the ground floor area of the main building.
    2. In the R-1, R-2, and R-3 Districts, accessory buildings, which includes garages for the storage of non-commercial vehicles, shall not exceed one thousand, four hundred forty (1,440) square feet. This maximum square footage is determined by conforming to the setback requirements for the District Zone and by not exceeding forty percent (40%) coverage of the rear yard. The square footage of any existing accessory building or garage, whether attached or detached, is deducted from the computation derived. In the R-4, R-5, and R-6 Districts, required parking is determined by the appropriate ratio based on the required number per full baths or the required number per dwelling unit. All required parking shall be located in the side or rear yard. All required parking may be enclosed, provided appropriate setbacks are maintained.
    3. Home occupation.
    4. Raising and keeping of small animals and fowl, not on a commercial basis, not to exceed twenty-four (24) in number, with no grain fed species to exceed twenty-five (25) pounds in weight, on a site of not less than two (2) acres.
    5. Tennis court, swimming pool, garden house, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.
C. In commercial districts, there may also be:
    1. Parking lots and garages conforming with the requirements of Chapter 21 hereof.
    2. Use of not more than forty percent (40%) of the floor area of a building for incidental storage or light industrial activity.
D. There shall be the following additional regulations for accessory buildings:
    1. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction.

2. No accessory building may be erected in front of a main building, unless the accessory building is attached to the main building by a common wall.

10-19-2 Signs, Canopies, and Awning Regulations. Regulations regarding signs shall be as follows:

A. General. Permit Required. It shall be unlawful for any person to erect, or cause to be erected or constructed within the City, any sign or awning without having first secured a permit therefore from the Building and Zoning Administrator. A permit fee, as designated in this Ordinance, for each sign or awning shall be charged to the applicant securing the required permit. Said fees may be subject to change from time to time by resolution of the City Council.
B. The following signs are allowed in all districts:
    1. Temporary signs not exceeding twelve (12) square feet in area advertising the sale or lease of real estate when located upon the property to which the sign refers. Said signs shall be removed upon sale or lease of the property.
    2. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained, subject to the provisions of this Section, provided such signs do not exceed thirty two (32) square feet in area or remain longer than six (6) months. “For Rent” and “For Lease” signs in commercial and industrial districts for new buildings shall not exceed forty eight (48) square feet or remain for more than ninety (90) days after the building is completed.
    3. Churches, and other permitted uses in single family residential zoning districts, shall be permitted to erect one bulletin board sign in addition to other signage permitted in this chapter. The bulletin board sign may be illuminated changeable letter or LED message center not to exceed eighteen (18) square feet in area, be turned off between the hours of 11 p.m. and 7 a.m. and shall be set back from all property lines a minimum of twenty-five (25) feet, or the same distance as the principal structure; whichever is less. Electronic message centers (EMC) permitted by this section shall be restricted to red or amber alpha numeric displays on a dark background. Message changes shall not occur more frequently than once in every four (4) seconds.
    4. Traffic and public signs.
C. In the R-5, R-6, and S-2 Districts, there may be one (1) wall sign related to the name or use of each occupant, and not more than one (1) electronic message center, per parcel, set back from the front property line the distance at least equal to the square footage of the EMC, but in no case shall the EMC exceed twenty-five (25) square feet in area. EMC’s permitted in this section shall be restricted to red or amber alpha numeric display on a dark background. Message changes shall not occur more frequently than once in every four (4) seconds.
D. In the C-1, C-3, M-1, and S-1 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs, electronic message centers, and awning signs when displaying no advertising matter, except pertaining to the business conducted in the building on the premises on which such sign is placed. Exception: The use of signs to promote not-for-profit communitywide events or activities. The total square foot area of all signs attached or affixed to any building or wall shall not exceed one-fifth (1/5) of the total square foot area of the face of the building on which they are placed, but in no event shall the maximum square foot area of all such signs exceed two hundred forty (240) square feet.

    Signs in the S-3 Mixed-Use Development (MXD) District shall be permitted through the process of Site Plan Review approval. The existing Sign Code Regulations

contained herein for the respective uses in the residential, commercial, and light industrial zoning districts shall be construed as the guide in reviewing proposed signs in the Site Plan Review process. Resolution of sign size or location conflicts in the S-3 Mixed Use Development (MXD) District may be appealed to the Zoning Board of Adjustment and the Planning and Zoning Commission.

In the C-2 District, Electronic Message Center (EMC) signs shall not exceed twenty-five (25) square feet in area and shall be restricted to alpha numeric displays on a dark background. Message changes shall not occur more frequently than once every four (4) seconds.

E. In a Large Scale Retail Development, the following sign regulations apply:
    1. The total surface area in square feet of all signs on a building shall not be more than three (3) times the number of lineal feet in the length of the longest elevation of the building, measured from exterior face of building wall to exterior face of building wall directly across the plane of the building elevation, not including building setbacks, nor protrusions, nor canopies, nor the like appurtenances of the building.

        Signs may be erected on each wall of the building and shall not exceed one-fifth (1/5) of the total square foot area of the face of the building on which they are placed, but in no event shall the total square footage of all such signs on a building exceed the total sign surface area as defined above.
    2. All signs shall be affixed on the building walls and/or canopies and shall not extend outward therefrom more than twelve (12) inches or project higher than thirty-five (35) feet above curb level or five (5) feet above building height, whichever is lower.
    3. One (1) pylon sign for each public road frontage adjacent to the property; each of which may identify the name of the Large Scale Retail Development (and may also identify the name and services or merchandise of each or any of the retail stores, offices, cinemas and restaurants located in the development), may be erected in addition to the signs affixed to the building walls as permitted in 10-19-2(D.1)a above. Such signs shall: have a total surface area of not more than five hundred (500) square feet on each side; not project higher than thirty-five (35) feet above grade at the sign; may be erected so that the sign begins directly at grade level; but may not be located within ten (10) feet of property lines. Should the sign height be three (3) feet or less in height measured from the ground elevation at the base of sign, no setback from property line is required.
    4. Post Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-19-2(F)4 with the exception of the quantity of Post Signs, which shall be proposed by the property owner and subject to the approval of the Site Plan Review Committee.
    5. Ground Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-19-2(F)1 with the exception that not more than one (1) ground sign is allowed per street frontage as otherwise permitted in the sign ordinance. Additional ground signs may be allowed at public access points into Large Scale Retail Developments but shall be limited to not more than ten (10) feet in height and subject to the approval of the Site Plan Review Committee.

F. In the C-2 and M-2 Districts, there may be any sign allowed in subsection (D) and ground signs; provided that no ground sign shall exceed four hundred (400) square feet in area; not more than one (1) ground sign shall be erected on any one (1) lot or tract of land, or one (1) sign for each four hundred feet (400') apart on such lot or

tract of land; and no ground sign, when erected on a lot fronting on intersecting streets, shall be erected within fifty feet (50') of the intersection of the streets.

G. The following additional sign regulations shall be observed:
    1. Ground Signs. No ground sign shall be at any point over twenty-five feet (25') above the ground level. The ground sign shall be stoutly constructed in a secure and substantial manner and shall be at least ten feet (10') distant from any lot line.
    2. Wall Signs: No wall sign shall extend beyond the building more than twelve inches (12"). No wall signs shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.
    3. Projecting Signs. Projecting signs may extend from the building into the front yard, provided that if the projecting sign is within ten feet (10') of any property line at its closest point, a minimum of ten feet (10') of vertical clearance must be maintained from ground level to the lowest edge of the sign.
    4. Post Signs. The maximum square foot area for each face of a post sign shall not exceed two (2) square feet for each lineal foot of the longest dimension of that lot; however, the maximum square foot area for each face of a post sign shall not exceed two hundred forty (240) square feet. No post sign shall exceed thirty-five (35) feet in height. There shall be not more than one (1) post sign per lot. Post signs shall be wholly maintained within private property lines. Post signs constructed within ten feet (10') of any property line must maintain at least ten feet (10') of vertical clearance from the ground or pavement to the lowest edge of the sign. No post sign may be extended downward nearer than five feet (5') to the ground or pavement.
    5. Marquee Signs. Marquees may extend eight feet (8') into a front yard. Marquees shall be not less than ten feet (10') above the ground at its lowest level. A sign may be placed on a marquee, provided such sign does not extend more than three feet (3') above nor one foot (1') below such marquee.
    6. Conditional and Nonresidential Permissive Uses may have signs as allowed by the Zoning Board of Adjustment.
    7. Signs not Visible from a Public Street. Existing signs, as of July 1, 1981, not visible from a public street, which are located on public property or private property, may remain if maintained in a reasonable manner.
    8. Paper Posters, Portable Signs, and Certain Signs or Devices Prohibited. Portable signs or paper posters applied directly to the wall, building, pole, or other support and letters or pictures in the form of advertising, printed or applied directly on the wall of a building, are prohibited.

       Temporary signs may be displayed in or attached to the inside of show or display windows, provided the total sign area does not exceed twenty percent (20%) of the show or display window area. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting time and temperature devices. However, temporary signs promoting yard sales, political campaigns, referendums, public notices, and similar purposes shall be permitted, provided such signs shall be removed within three (3) days after the date the event, sale, election, etc., occurs.
    9. History Consideration. Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be

made without conformance to all the requirements of this Ordinance when authorized by the Zoning Board of Adjustment provided:

a. The building or structure to which it is affixed has been designated by official action as having special historical or architectural significance.
b. All unsafe conditions are corrected.

10. In the Agricultural District (AG), farm produce signs are permitted accordingly:
    a. Permanent Sign. One on-premises sign not to exceed 32 square feet is allowed. Special exceptions may be approved by the Zoning Board of Adjustment for approval of any permanent monuments, insignia, device, symbol, or object regardless of the nature of the material thereof and manner of composition or construction.
    b. Temporary Signs. Permits for farm-related produce operations in the Agricultural District (AG) shall be for temporary signs not exceeding the period of June 1st through November 10th, at which time they shall be removed. Permits shall be renewed annually. A permit for a temporary sign shall include all such temporary signs on the premises.
11. Large Scale Development Guidelines. For those developments exceeding the Sign Code provisions of 10-19-2(F)4 which permits a maximum size sign of 240 square feet with 120 linear feet of frontage along a public street, the following guideline applies. To exceed the 240 square foot maximum with 120 feet of street frontage, an additional 1 square foot of sign is permitted for every two linear feet of public street frontage. However, no single sign exceeding 600 square feet in size is permitted.
12. Community Sponsored Events. That is, signs that denote public, civic, or educational activities or events shall require City Council approval for any signs located in the public right-of-way under the terms and conditions as the City Council may require. Approved sign permits shall remain effective only for the duration granted by City Council and shall then be removed by the sponsor.
13. Grand Openings and Special Events. Banners, pennants, propellers, valances, balloons, sandwich boards, and similar advertising display shall require a sign permit for a period not to exceed 14 days. Under appropriate circumstances, the 14 day period permit may be renewed once by the Building and Zoning Administrator. Appeals may be made to the Zoning Board of Adjustment. These displays shall not interfere with traffic or pedestrian safety when erected.

H. Signs, Canopies, and Awnings Constructed on or Over Public Right-of-Way. General. Signs, canopies, and awnings constructed on or over public right-of-ways are prohibited, except as otherwise allowed herein.

1. Face mounted signs not exceeding twenty percent (20) of the face of the building on which they are attached and not exceeding more than twelve inches (12”) from the building.
2. Signs constructed below a canopy or awning, provided the sign does not extend further than the outer edge of the canopy, the sign does not exceed eighteen inches (18”) in height, and a vertical clearance of seven feet (7’) is maintained from the lowest point of the sign to the ground or pavement.
3. Canopies and Awnings. All canopies and awnings shall be constructed on private property only and cantilevered over public right-of-ways. They shall be of stoutly constructed materials capable of withstanding imposed loads and shall provide a minimum of seven feet (7’) of vertical clearance from the bottom edge of the canopy or awning to grade.

4. Historic Consideration. Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be made without conformance to all the requirements of this Ordinance when authorized by the City Council following a review and recommendation of the Zoning Board of Adjustment provided:
    a. The building or structure to which it is affixed has been designated by official action as having special historical or architectural significance.
    b. All unsafe conditions are corrected.
5. Overhanging signs, canopies, and awnings which overhang public right-of-ways as of September 16, 1981, and which otherwise conform to all applicable provisions of this Ordinance may continue to be maintained, provided the owner(s) of said signs, awnings, or canopies shall agree in writing to indemnify the City of Muscatine from any and all claims or suits for damages caused by the signs, awnings, or canopies on forms provided by the City. Further, the owner(s) shall provide the City of Muscatine with proof of public liability insurance in the amount of one hundred thousand dollars ($100,000).
6. Signs, awnings, or canopies referenced in Title 10, Chapter 19, Section 2(G)5 shall be brought into compliance with all provisions of this ordinance when they are changed, altered or replaced.
7. Proposals for any new sign, canopy, or awning which will overhang public right-of-ways shall be reviewed by the Zoning Board of Adjustment with a recommendation forwarded to the City Council for their approval or denial.

I. Nonconforming Uses. All legal nonconforming uses at the effective date of the passage of this Ordinance are entitled to maintain sign(s) until said sign(s) are changed, altered, or replaced at which time they shall be brought into conformance with all regulations set out herein.

J. Violation. Any person who violates any of the provisions contained herein shall be guilty of a misdemeanor and each day of the violation may be considered a separate and distinct offense.

10-19-3 <u>Fence Regulations.</u> Regulations regarding fences shall be as follows:

A. No sign, fence, wall, shrub, or other obstruction to vision exceeding three feet (3') in height above the established street grade shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points thirty feet (30') distant from the intersection of the street lines.

B. All newly constructed outdoor swimming pools shall be enclosed by a six (6) foot fence. Such fencing shall be of a material sufficient to prevent infant children from crawling through.

C. Fences not exceeding six feet (6') in height may be located on any part of a lot except the area beyond the front of the dwelling or twenty-five feet (25') from the property line, whichever is less. Any fence located beyond the front of a dwelling or twenty-five feet (25'(from the front property line, whichever applies, shall not exceed three feet (3') in height or may be six feet (6') in height with the provision that it shall be of an open type (at least 75% open) chain link or woven material that does not create a safety hazard for pedestrians or vehicular traffic.

10-19-4 <u>Mobile Home Regulations.</u> Regulations regarding mobile homes shall be as follows:

A. All inhabited mobile homes shall be located in a mobile home court which has received a conditional use permit and which conforms with the requirements of the following paragraph. No mobile home outside of an approved mobile home court shall be connected to utilities, except those mobile homes being offered for sale and not inhabited.
B. Mobile home courts shall meet the following minimum standards:
    1. Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than four thousand (4,000) square feet and a width of not less than forty-five feet (45'), and no court shall be permitted an average density of mobile home lots of more than nine (9) per acre, and each mobile home court shall provide an area of not less than ten (10) acres. Each lot shall have provisions for at least two (2) frame ties and two (2) over-the-top tiedowns equal to or better than the specifications outlined in Booklet Tr-75 published by the Department of Defense.
    2. All mobile home courts shall provide lots sufficient in size that no mobile home or any structure, addition, or appurtenance thereto is located less than ten feet (10') from the nearest adjacent court boundary.
    3. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet (10') from the nearest adjacent buildings.
    4. Each mobile home site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than twenty feet (20') in width, which shall have unobstructed access to a public highway, street, or alley.
    5. The mobile home court shall be surrounded by a landscaped strip of open space fifty feet (50') wide along the street frontage of a major street and twenty-five feet (25') wide along all other lot lines or street frontage.

10-19-5 <u>Nonconforming Use Regulations.</u>

A. Nonconforming Use of Buildings. The lawful use of a building existing at the effective date of this Ordinance may be continued, although such does not conform to the provisions hereof, provided no structural alterations are made. A nonconforming use of a building 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 restricted use.
B. New Structures. No new structures shall be erected nor shall any additional area of land be utilized other than that which is lawfully occupied and used at the time this Ordinance takes effect.
C. Abandonment. A nonconforming building, structure, or use shall be deemed abandoned if the building, structure, or use is discontinued for a period of one (1) year. Said building, structure, or property shall not thereafter be returned to such nonconforming use and shall be used only in conformity to and with these regulations. A nonconforming use shall be considered abandoned:
    1. When the intent of the owner to discontinue the use is apparent; or
    2. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one (1) year; or
    3. When a nonconforming use is replaced by a conforming use; or
    4. When a nonconforming use has been changed to another use under proper permit from the Board of Adjustment.
D. Rebuilding or Restoration. If a nonconforming building or use is damaged by fire, explosion, or other catastrophe to such an extent that the cost of restoration would

be less than fifty percent (50%) of the assessed value of the building at the time of the catastrophe, such building or use may be rebuilt or restored and used again as previously. Such rebuilding or restoration shall be completed within twelve (12) months after such catastrophe, and the building as restored shall not be greater in volume or floor space than the original nonconforming structure. If destroyed to such an extent that the cost of restoration would exceed fifty percent (50) of said value, such building or use shall not be restored and may be replaced only by a conforming building and use.

E. Discontinuance. If a nonconforming building, structure, or use is abandoned for one (1) year after the adoption of this Ordinance, it shall not return to its nonconforming state, but must be brought into conformity with the regulations of the district in which it is located.
F. Changes. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to a use of the same or more conforming classification and such use thereafter shall not be changed to a less conforming classification.
G. Alterations to Nonconforming Uses. The Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit a nonconforming use to be changed to another nonconforming use, provided such changed use is more in conformity with the spirit and intent of this Ordinance than the prior use and is not more injurious, obnoxious, or offensive to the neighborhood. The Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit an expansion of a nonconforming use if such expansion would not be injurious, obnoxious, or offensive to the neighborhood and would not constitute an expansion of more than fifty percent (50%) of the previous gross floor area.
H. Existence of a Nonconforming Use. Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board.
I. Intermittent Use. The casual intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

10-19-6 <u>Cemetery Development Standards.</u>

<u>New Cemeteries:</u>

A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.
B. An initial site plan shall be submitted for review and approval by the Planning and Zoning Commission and City Council prior to any site development. The Site Plan Review Process as adopted and amended shall be construed as the guide in developing a site plan for review. Any alteration or modification of the initially approved site plan shall require resubmission under the Site Plan Review Process.
C. No mausoleum or columbarium shall be located within 300 feet of any cemetery property line or public street.
D. All structures and buildings erected for incidental business uses of the cemetery shall comply with the Uniform Building Code and provide public parking in the ratio of one (1) space per three hundred (300) square feet of gross floor area and one (1) space per four (4) permanent seats in the case of chapels.

E. A sign is permitted indicating the name of the cemetery, it shall not exceed twenty-five (25) square feet. Any other sign for incidental and accessory uses shall be face mounted on a building or structure and in total shall not exceed twenty-five (25) square feet. Internal signs not visible from the property line directing cemetery traffic, posting of cemetery rules, and designating areas within a cemetery are permitted.
F. No above ground monument or structure shall be placed within 50 feet of any property line or public streets.
G. Outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least seventy-five percent (75) opaque. This includes, but is not limited to, trash bins and vaults or headstones for sale or future use.
H. No burial plots or facilities are permitted on areas designated as flood plain by the City's Federal Flood Insurance Rate Maps.
I. Assurances must be provided that water supplies of surrounding properties will not be adversely affected by cemetery operations.

<u>Existing Cemeteries</u> (as of the adoption of this amendment December 4, 1986):

A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.
B. A site plan shall be submitted for review and approval prior to obtaining a permit for the erection of any building or structure in accordance with the site plan review process as adopted and amended. Any alteration or modification of an approved site plan shall require resubmission under the site plan review process.
C. No mausoleum or columbarium shall be located within 200 feet of any cemetery property line or public street.
D. All structures and buildings erected for incidental business uses of the cemetery shall comply with the Uniform Building Codes and provide public parking in the ratio of one (1) space per three hundred (300) square feet of gross floor area and one (1) space per four (4) permanent seats in the case of chapels.
E. All existing signs shall continue to be permitted. In the event any existing sign visible from adjacent property or public street is to be changed or replaced, it shall comply with all other local regulations as well as the provisions of 10-19-6 (New Cemeteries) (E) above.
F. Subsurface grave site interments in development areas may continue in accordance with the pattern established by existing burials. Undeveloped areas abutting adjacent residential lots are subject to a setback provision of 25 feet from said property line. The use of the first 25 feet of undeveloped areas adjacent to public streets shall be restricted to flush mounted subsurface gravesite interments only
G. Proposed outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least seventy-five percent (75%) opaque. This includes but is not limited to, trash bins, and vaults or headstones for sale or future use.
H. Subject to applicable property line and public street setback requirements as set out in 10-19-6II.C, a crematory shall be a permissive use within Memorial Park Cemetery.

Title 10 – Zoning
Chapter 20 – Additional Height,
Yard and Density Regulations

SECTIONS:
10-20-1 Exceptions to Height Limits
10-20-2 Additional Yard Requirements
10-20-3 Exceptions to Yard Requirements
10-20-4 Exceptions to Lot Area and Width Requirements

10-20-1 Exceptions to Height Limits. Height limits may be exceeded in the following instances:

A. Public, semi-public, or public service buildings, hospitals, institutions, agricultural buildings, or schools when permitted in a district may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy-five feet (75'), if the building is set back from each yard line at least one foot (1') for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.
B. Television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, stacks, conveyors, and flag poles may be erected to such height as may be authorized by the City Council.

10-20-2 Additional Yard Requirements. The following additional yard requirements must also be observed:

A. Whenever a lot abuts upon a public alley, one-half (1/2) of the alley width may be considered as a portion of the required yard. For the purpose of side yard regulations, a two (2) family dwelling or multiple dwelling shall be considered as one (1) building occupying one (1) lot.
B. Where the R-3, R-4, R-5, and R-6 Districts abut the R-1 or R-2 District, a minimum side yard shall be ten feet (10').
C. On a lot fronting on two (2) nonintersecting streets, a front yard must be provided on both streets.
D. On corner lots, there must be a front yard on both streets. On corner lots that are lots of record, the buildable width cannot be reduced to less than twenty-eight feet (28'), except that there shall be a yard along the side street of such a lot of at least five feet (5').
E. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
F. In the C-1, M-1, and S-1 Districts, there may be more than one (1) building on a lot, provided that:
    1. The lot is under, and will be retained under, single ownership, whether a private individual or corporation.
    2. A site plan is provided to the Planning and Zoning Commission for approval prior to obtaining a building permit.
    3. All separate buildings and uses are interrelated and part of a cohesive development plan.
    4. The applicable street and utility standards apply.

G. There may be two (2) or more related multi-family, hotel, motel, or institutional buildings on a lot; provided that (a) the required yards be maintained around the group of buildings, and (b) buildings that are parallel or that are within forty-five degrees (450) of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.
H. No part of an existing building that violates yard regulations when damaged by any cause whatsoever to the extent of more than sixty-five percent (65%) of the fair market value of the building immediately prior to damage shall be restored, except in conformity with the yard regulations of this Ordinance.
I. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of front or side yard shall be measured from such official line to the nearest line of the building.
J. The minimum width of side yards for schools, libraries, places of worship, community buildings, and other public and semipublic buildings in residential districts shall be twentyfive feet (25'), except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.

10-20-3 Exceptions to Yard Requirements. The following exceptions may be made to the yard requirements:

A. Where, on the effective date of this Ordinance, forty percent (40%) or more of a frontage was occupied by two (2) or more buildings, then the front yard is established in the following manner:
    1. Where the building furthermost from the street provides a front yard not more than ten feet (10') deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
    2. Where subsection 1 is not the case and a lot is within one hundred feet (100') of a building on each side, then the front yard is a line drawn from the closest front corners of these two (2) adjacent buildings.
    3. Where neither subsections 1 nor 2 is the case, and the lot is within one hundred feet (100') of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
B. Sills, belt courses, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed twenty-four inches (24").
C. Filling station pumps and pump islands may occupy required yards, provided, however, that they are not less than fifteen feet (15') from all lot lines.
D. Signs in accordance with Section 10-19-2.
E. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than five feet (5'), when so placed as to not obstruct light and ventilation.
F. Open, unenclosed, or screened porches (not glassed in) may extend ten feet (10') into a front yard.
G. Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections be distant at least two feet (2') from the adjacent side lot line.
H. No side yards are required where dwellings are erected above commercial and industrial structures, except such side yard as may be required for a commercial or industrial building on the side of a lot adjoining a residential district.

I. Accessory buildings and uses may be located in a rear yard, but may not occupy more than forty percent (40%) of a rear yard.
J. Any accessory building or use closer than ten feet (10') to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.
K. An accessory building or use more than ten feet (10') to a main building may be erected within four feet (4') of a side or rear lot line, but must be located at least sixty feet (60') from the front lot line when entry is from an alley or street at the rear, and four feet (4') behind the front building line of the main building when entry is from the street at the front.
L. Where a garage door is parallel to the alley and is entered from an alley, it must be setback ten feet (10') from the alley line.
M. On corner lots, the minimum buildable width of twenty-eight feet (28') for main buildings is reduced to twenty-two feet (22') for accessory buildings.
N. Satellite receiving dishes shall be erected and maintained behind the building line in residential districts and shall be located not nearer than four feet (4') to any side or rear lot line.

10-20-4 Exceptions to Lot Area and Width Requirements. The minimum lot area and lot width requirements established above may be modified as follows:

A. Where a lot of record at the time of the effective date of this Ordinance has less area or frontage than herein required in the district in which it is located, said lot may nevertheless be used for any use permitted in the district in which it is located.
B. The number of permitted dwelling units for multiple dwellings may be increased in the following instances:
    1. By five percent (5%) if a landscaped buffer area not used for off-street parking, with a minimum depth of ten feet (10') or a masonry wall six feet (6') in height is provided on all lot lines that are also district boundaries with a less restricted zoning district.
    2. By ten percent (10%) if the project provides at least two (2) off-street parking spaces for each dwelling unit.
    3. By five percent (5%) if all of the required parking spaces are enclosed or in an underground structure.
    4. By ten percent (10%) if the project includes a club, tennis court, swimming pool, or other major recreation facility occupying at least two-tenths (0.2) of a square foot of land area for each square foot of floor area in the buildings.
    5. By five percent (5%) if the buildings proposed in the project meet the requirements of the Department of Defense, Office of Civil Defense, and can be officially designated as Fallout Shelters having a capacity equal to or greater than the number of residents allowed in the project.

The above percentages are to be applied individually and not cumulatively.

C. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to existing yard requirements for that district.
D. Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes, or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

Title 10 – Zoning
Chapter 21 – Additional Off-Street
Parking and Loading Regulations

SECTIONS:
10-21-1 Rules for Computing
10-21-2 Location of Required Parking Spaces
10-21-3 Standards for Parking Lots and Garages
10-21-4 Operation of Parking Lots and Garages
10-21-5 Off-Street Loading Requirements
10-21-6 Exceptions

10-21-1 Rules for Computing. In computing the number of required off-street parking spaces, the following rules shall apply:

A. Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.
B. Where fractional spaces result, the parking spaces required Shall be the nearest whole number.
C. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
D. Whenever an existing building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, parking spaces shall be provided on the basis of the enlargement of change.

10-21-2 Location of Required Parking Spaces. All parking spaces required herein shall be located as follows:

A. The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served and located behind the front building line. The parking spaces required for any other building or use may be located on an area within three hundred feet (300') of said building and two (2) or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this Ordinance.
B. No required parking spaces may be located in a front yard in any R Residential District.

10-21-3 Standards for Parking Lots and Garages. Parking lots and garages shall conform with the following improvement and maintenance standards:

A. Such lot shall be surfaced with asphalt or concrete for allweather parking.
B. Adequate provision shall be made for the disposal of storm water so that water will not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.
C. A structurally sound wall or other abutment approved by the City Engineer to insure safety shall be installed around each side of the parking lot wherever necessary to prevent the washing of soil to and from adjoining property, and a wall or screen of

such height and character as are necessary for adequate screening of the parking lot from adjacent property shall also be provided to meet requirements of the City Engineer.

D. The location and width of entrances and exits to and from the lot or garage shall be as determined by the City Engineer, but there shall not be more than one (1) entrance and one (1) exit, or one (1) combined entrance or exit, along any one (1) street, unless the same is deemed necessary by the Council for the alleviation of traffic congestion and interference of traffic movement along such street.
E. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing, where required by the City Engineer.
F. Wherever the parking lots or garages are to be used during darkness, a system of flood lighting shall be installed to provide an adequate standard of illumination over the entire parking lot. All flood lights shall be shielded so that minimum glare will extend to adjacent property and shall meet the requirements of the City Engineer.
G. A sign, the size and character of which shall be approved by the City Engineer, shall be installed showing the ownership of the lot or garage and the permitted use thereof. If the lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon the sign.
H. Landscape planting shall be installed on all parking lots and on or adjacent to all garages. Such planting shall consist of at least one (1) standard tree of three inch (3") diameter or more for each ten (10) parking spaces in the lot or garage.
I. A temporary shelter for the use of parking lot attendants may be maintained on the lot, provided the location, construction, and design of the same shall first be approved by the City Engineer.
J. The parking lot or garage shall be maintained in a manner to keep it as free as practicable from dust, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees, and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes and the City Engineer shall have the authority to prohibit the use of the area for parking purposes, unless and until proper maintenance, repair, or rehabilitation is completed.

10-21-4 Operation of Parking Lots and Garages. Any person operating a parking lot or garage shall either:

A. File with the City a bond in such form as may be prescribed by the City Attorney and in such amount as required by the Council, which shall be surety for any judgment for damages rendered against the operator of the parking lot resulting to person or property when incurred while using the parking lot; or
B. Carry public liability insurance in such amount as may be required by the Council.

10-21-5 Off-Street Loading Requirements. There shall be provided at the time any building is erected or structurally altered, off-street loading space in accordance with the following requirements:

A. Office buildings, apartments, apartment hotels, motels, and hotels: One (1) space for each five thousand (5,000) to fifty thousand (50,000) square feet of gross floor area; two (2) spaces for each fifty thousand (50,000) to two hundred thousand (200,000) square feet of gross floor area; one (1) additional space for each seventy-five thousand 75,000 square feet of gross floor area above two hundred thousand (200,000) square feet.
B. Retail or service establishment or wholesale commercial use: One (1) space for each two thousand (2,000) to twenty thousand (20,000) square feet of gross floor area; two (2) spaces for each twenty thousand (20,000) to one hundred thousand (100,000) square feet of gross floor area; one (1) additional space for each seventy-five thousand (75,000) square feet of gross floor area above one hundred thousand (100,000) square feet.
C. Manufacturing or industrial use: One (1) dock per ten thousand (10,000) square feet; two (2) docks per twenty thousand (20,000) square feet; and three (3) docks per thirty thousand (30,000) square feet of floor space. For any structure of greater size, an applicant may present, upon his application for a building permit, justification for deviating from this ratio to the Building Official, who may at his or her discretion allow a reduced ration of loading docks.
D. In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than fifty feet (50') shall be provided on the lot on which the industry is located.
E. All off-street loading spaces shall be paved and shall be screened from any front yard area, either by the building existing on the lot or by a planting screen or fence.

10-21-6 Exceptions. All nonresidential uses within the C-2 Central Commercial District shall be exempt from off-street parking and loading requirements.

Title 10 – Zoning
Chapter 22 – Administration

SECTION:
10-22-1 Conditional Uses
10-22-2 Board of Adjustment
10-22-3 Enforcement of Ordinance
10-22-4 Permits
10-22-5 Boundaries of Districts
10-22-6 Interpretations
10-22-7 Amendments of Ordinance

10-22-1 Conditional Uses. Application for conditional permits for uses specifically authorized for consideration in the district use regulations shall be filed with the Building and Zoning Administrator, together with the appropriate application fee, and upon such filing, the Building and Zoning Administrator shall immediately refer the application to the Board of Adjustment for hearing after publication of a public notice as provided by law.

Before authorizing the issuance of such a conditional use permit, the Board of Adjustment may impose such conditions as will, in the Board's judgment, ensure that:

A. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public's health, safety, morals, comfort, or general welfare.
B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
C. The conditional use will not substantially diminish and impair property values within the neighborhood.
D. The conditional use will be compatible with and will not impede adjoining development and the proposed character of the zoned district where it is to be located.
E. Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.
F. Adequate off-street parking and loading are provided and ingress and egress are so designed as to minimize traffic congestion in the public street.
G. The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and all other applicable regulations provided in the Zoning Ordinance.
H. The Zoning Board of Adjustment shall find that there is a public benefit for the conditional use.

10-22-2 Board of Adjustment.

A. A Board of Zoning Adjustment consisting of five (5) members, all of whom shall be residents and all of whom shall be persons with knowledge of construction, architecture, fine arts, engineering, landscape architecture, or law shall be appointed by the Council. The terms of all members shall be five (5) years and not more than two (2) members of the Board shall be members of the Planning and Zoning Commission. Each member shall serve until his or her successor is appointed. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause by the Council upon written charges having been filed with the

Council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Council and shall be for the unexpired term.

B. The Board shall organize and adopt rules in accordance with the provisions of this Ordinance and with the Iowa Statutes. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his or her absence, the acting chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. All business of the Board shall be transacted at such meetings. The Building and Zoning Administrator shall keep minutes of its proceedings showing the vote of each item in question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Building and Zoning Administrator and shall be a public record.

C. Appeals to the Board may be taken by any person aggrieved. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, given seven (7) days' notice to the parties in interest by publication of notice of hearing, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney. The appropriate fee as established by resolution in Section 5-15-2 of this Code shall be paid to the Building and Zoning Administrator at the time the notice of appeal is filed, which the Building and Zoning Administrator shall forthwith pay over to the Clerk to the credit of the General Revenue Fund.

D. The powers of the Board are:
    1. To interpret the Ordinance, being:
        a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building and Zoning Administrator in the enforcement of this ordinance.
        b. To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this Ordinance.
        c. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Ordinance where the street layout on the ground varies from the street layout as shown on the map aforesaid.
    2. To permit the following three (3) exceptions:
        a. Use of premises for public utility.
        b. Reconstruction of a nonconforming building that would otherwise be prohibited by Section 10-18-5 where such action would not constitute continuation of a monopoly.
        c. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but

only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Comprehensive Plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

3. To permit the following two (2) variations:
    a. Vary the yard regulations where there is an exceptional, unique, or unusual physical condition of a lot, and which condition, when related to the yard regulations of this Ordinance, would prevent a reasonable or sensible arrangement of buildings on the lot.
    b. Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Ordinance, but providing that such a reduction not be more than fifty percent (50%) of the usual requirement.
4. Exceptions. Interpretations, exceptions, and variations involving the Flood Plain or Flood Channel Districts shall be referred to the Iowa Natural Resources Council.
5. To allow conditional uses pursuant to the provisions of Section 10-22-1 of the City Code.

10-22-3 <u>Enforcement of Ordinance.</u>

A. Building and Zoning Administrator:
    1. Duties. It shall be the duty of the Building and Zoning Administrator to enforce this Ordinance. He or she shall receive applications required by this Ordinance, issue permits, and furnish the prescribed certificates. He or she shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with. He or she shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures, except as may be otherwise provided for. He or she shall, when requested by the City Administrator, or when the interests of the Municipality so require, make investigations in connection with matters referred to in this Ordinance and render written reports on the same. For the purpose of enforcing compliance with law, he or she shall issue such notices or orders as may be necessary.
    2. Records. The Building and Zoning Administrator shall keep careful and comprehensive records of minutes, of applications or permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He or she shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the Office of the Building and Zoning Administrator.
    3. Cooperation of Other Officials. The Building and Zoning Administrator may request and shall receive, so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of the Engineer in fixing grades, of the Chief of Police in enforcing orders, of the Attorney in prosecuting violations, and of other officials.

10-22-4 Permits.

A. When Required. It shall not be lawful to construct, alter, repair, remove, or demolish or to commence the construction, alteration, removal, or demolition of a building or structure, without first filing with the Building and Zoning Administrator an application in writing and obtaining a formal permit.
B. Form. An application for a permit shall be submitted in such form as the Building and Zoning Administrator may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Building and Zoning Administrator for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of such fees as the Council may determine from time to time.
C. Plans. Application for permits shall be accompanied by such drawings of the proposed work, including such floor plans, sections, elevations, and structural details as the Building and Zoning Administrator may require.
D. Plat Diagram. There shall also be filed one (1) copy of a plat diagram in a form and size suitable for filing permanently with the permit record, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.
E. Amendments. Nothing in this Section shall prohibit the filing of amendments to an application or to a plan or other record accompanying the same at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
F. Completion of Existing Buildings. Nothing contained in this Ordinance shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this Ordinance; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework, including structural parts of the second floor, shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Ordinance.
G. Action on Application. It shall be the duty of the Building and Zoning Administrator to examine applications for permits within a reasonable time after filing. If, after examination, he or she finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he or she shall approve such application and issue a permit for the proposed work as soon as practicable. If his or her examination reveals otherwise, he or she will reject such application noting his or her finding in a report to be attached to the application and delivering a copy to the applicant.
H. Approval in Part. Nothing in this Section shall be construed to prevent the Building and Zoning Administrator from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed

statements have been presented for the same and have been found to comply with this Ordinance.

I. Condition of the Permit. All work performed under a permit issued by the Building and Zoning Administrator shall conform to the approved application and plans and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

J. Signature to Permit. Every permit issued by the Building and Zoning Administrator under the provisions of this Ordinance shall have his or her signature affixed thereto; but this shall not prevent him or her from authorizing a subordinate to affix such signature.

K. Limitation. A permit under which no work is commenced within one (1) year after issuance shall expire by limitation.

L. Posting of Permit. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same. The Building and Zoning Administrator may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Building and Zoning Administrator shall be given at least twelve (12) hours' notice of the starting of work under a permit.

M. Revocation. The Building and Zoning Administrator may revoke a permit or approval issued under the provisions of this Ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

N. Certificate of Occupancy for a Building. No building shall be occupied before a Certificate of Occupancy has been issued. A Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said Certificate shall be issued with three (3) days after the request for the same shall have been made in writing to the Building and Zoning Administrator after the erection or alteration of such building or part thereof shall have been completed, and in the case of new subdivisions, when all public improvements, including sewers, streets, and utilities, have been accepted in accordance with the provisions of this City Code. Pending the issuance of a regular Certificate, a temporary Certificate of Occupancy may be issued by the Building and Zoning Administrator for a period not exceeding one (1) year during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by this Ordinance, and such temporary Certificate shall not be issued, except under such restrictions and provisions as will adequately insure the safety of the occupants.

The process of issuing this Certificate of Occupancy shall be considered the minimum enforcement requirement for the protection of the public health, safety, and welfare of the residents of the City of Muscatine. However, if in the case of a new subdivision, all public improvements are not acceptable prior to request for a regular Certificate of Occupancy, the subdivider or his agent may request a waiver from the City Council of this provision. The developer or his agent must clearly demonstrate that due to peculiar conditions pertaining to his subdivision, the literal enforcement of one or more steps of this process is impractical or will exact undue hardship. The

City Council may waive the requirement for completion of the public improvements prior to issuance of a regular Certificate of Occupancy for a reasonable period of time until the deficiency is corrected by the subdivider or his agent. In allowing a waiver due to a specific situation, the City Council shall not release the performance bond and also shall notify the bonding company of the deficiency and a reasonable period of time for correction to the satisfaction of the City Council. (Any action taken by the City Council under the terms of this process shall give primary consideration to the welfare of the entire community.)

O. Content of Certificate of Occupancy. A Certificate of Occupancy shall state that the building or proposed use of the building complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the Office of the Building and Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. (Note Subdivision Regulations, Title 11.)
P. Building Permit. No permit for construction of any building shall be issued before application has been made for a Certificate of Occupancy.

10-22-5 Boundaries of Districts. Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made a part of this Ordinance, the following rules apply:

A. The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts, unless the boundaries are otherwise indicated on the Map.
C. In unsubdivided property, the district boundary lines on the Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the Map.

10-22-6 Interpretations. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.

10-22-7 Amendments of Ordinance.

A. The Council may, from time to time, on its own motion or on petition, after public notice and hearing as provided by law and after report by the Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established. In case the Commission disapproves the proposed change or in case of a protest against such change signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof or directly opposite thereto extending the depth of one (1) lot or not to exceed two hundred feet (200') therefrom or two

hundred feet (200') from the street frontage of opposite lots, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all members of the Council. If no report is received from the Commission in sixty (60) days, it may be assumed that said Commission has approved the amendment.

B. Before any action shall be taken as provided by this Section, the party or parties proposing or recommending a change in the district boundaries or district regulations shall file with the Planning Administrator a petition or application accompanied by the appropriate filing fee as established by resolution in Section 5-15-2 of this Code to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

C. Change in Flood Plan or Flood Channel District boundaries shall be referred to the Iowa Resources Council.

Title 10 – Zoning

Chapter 23 – Definitions

SECTION:
10-23-1 Definitions

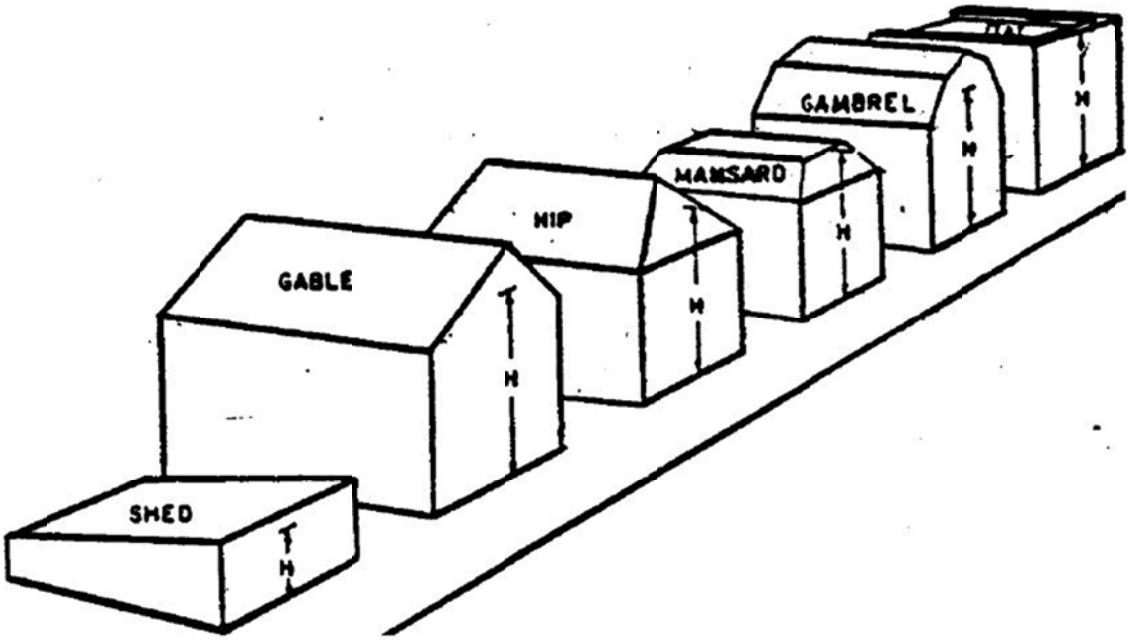
10-23-1 Definitions. For the purpose of this Ordinance, certain terms are hereby defined:

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word 'building" shall include the words "structure" and "premises"; the word "shall" is mandatory and not directory; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; and the word "person" includes a firm, associations, organization, partnership, trust, company, or corporation, as well as an individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

Accessory Building:	A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
Accessory Use:	A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
Agricultural Activity:	Agricultural activity, including forests and forest products; harvest and management; dairy farming; livestock grazing and pasturage; truck gardening, the raising of crops, fruit, and nursery stock; fish farms; animal kennels and fur bearing animal farms; the harvesting, processing, packaging, packing, shipping, and selling of products produced on the premises, and incidental farm occupations and uses such as machinery, farm equipment, and domestic repair and construction; excluding commercial feed lots.
Alley:	A public or private thoroughfare which affords only a secondary means of access to abutting property.
Ambient Noise:	The all-encompassing noise associated with a given environment for a specified period of time, usually being a composite of sounds from many sources, near and far.
Amortization:	The established process of eliminating nonconforming uses over a period of time.
Apartment:	See Dwelling Unit.
Assembling:	Combining two (2) or more finished products into a single product.
Automobile Service Station:	Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories; but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, public garages, and the open storage of rental vehicles or trailers.
Basement:	A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

Bed and Breakfast Home:	Means a private residence which provides lodging and meals for guests, in which the owner resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
Billboard:	Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. (See also Sign Ordinance.)
Board:	Means Board of Adjustment established in Chapter 21.
Boarding House:	A building, other than a hotel or apartment hotel, where for compensation and by pre-arrangement for definite periods, lodging, meals, or lodging and meals are provided for three (3) or more persons.
Buildable Width:	The width of the lot left to be built upon after the side yards are provided.
Building:	Any structure having a roof supported by columns of walls for the shelter or enclosure of persons or property. For the purposes of this definition "roof' shall include awning or other similar covering, whether permanent in nature or not.
Building and Zoning Administrator:	The individual designated to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance.
Building Height of:	The vertical distance from the grade to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points of a shed roof.

See Diagram Below



Building Line:	A line parallel to the street establishing the closest point to the street at which a house is permitted to be constructed.
Bulk Storage:	The outdoor storage of a product or material in large quantities.

Cellar:	That part of a building having more than one-half (1/2) of its height below the average grade of the adjoining ground.
Cemetery:	Land used or intended (10 acre minimum) to be used for the burial of deceased humans. A marker or memorial is erected at each gravesite for permanent remembrance of the deceased. Other principal uses permitted on land used or intended for use as a cemetery include columbariums and mausoleums; incidental uses include business designed for the benefit, service, convenience or spiritual uplift of cemetery lot owners or persons visiting the cemetery. Accessory uses include utility buildings, maintenance storage areas, chapels and cemetery administration offices. <u>Note.</u> Interior columbariums are permitted ancillary uses within places of worship.
Chapel:	A structure intended for use as a place of worship or nondenominational assembly or visitation.
City:	The City of Muscatine, Iowa.
Clinic:	An establishment where patients are not lodged overnight, but where they may be admitted for examination or treatment or observation by an individual or group of individuals engaged in certain of the healing arts. In order to qualify as a clinic, the establishment must be operated and staffed by an individual or group of individuals who are licensed under the provision of Chapter 147 of the 1989 Code of Iowa to practice medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, and optometry.
Club:	Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.
Columbarium:	A building or structure designed with niches for the location of urns to hold the ashes of cremated persons.
Commercial Feed Lot:	An area of and devoted to raising and feeding of livestock where the operation is not a part of normal agricultural activity.
Commission:	The City Planning and Zoning Commission of Muscatine, Iowa.
Common Land:	Land held and/or used jointly by two (2) or more owners of other land in proximity to it. Usually established by subdivision regulations.
Conditional Use:	The use allowed in a zoning district after a permit is granted by the Board of Adjustment according to the provisions of Section 10-22-1.
Condominium:	A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development where some rights are held in common by the residents of that development.
Council:	The City Council of Muscatine, Iowa.
Court:	An open space more than one-half (1/2) surrounded by buildings.
dBA:	A unit of measure of sound intensity as measured on the "A" scale, such scale being that which is audible to the human ear.
Decibel:	A unit of measure in determining sound intensity.
District:	A part of the City wherein regulations of this Ordinance are uniform.
Drive-In Use:	Any establishment designed for the general public to make use from

	their vehicles of the sales or service provided on the premises.
Duplex:	A building or structure limited to two (2) individual residential units. (See Dwelling Two-Family.)
Dwelling:	Any building or portion thereof which is designated and used exclusively for residential purposes.
Dwelling Single-Family:	A building designed for or occupied exclusively by one (1) family.
Dwelling Two-Family:	A building or structure limited to two (2) individual residential units. (See Duplex.)
Dwelling Multiple:	A building designed for or occupied exclusively by three (3) or more families.
Dwelling Unit:	One (1) or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
Farm:	See Agricultural Activity.
Farm Residence:	A structure utilized as a residence, located on or in conjunction with a crop producing farm property of forty (40) acres or more and housing either the farm owner or tenant who is actively engaged in the farming of said property.
Feedlot:	A tract of land or structure wherein any type of fowl or livestock are maintained in close quarters for the purpose of fattening for final shipment to market.
Fence:	A structure for enclosing or screening.
Flood Channel: (Floodway):	The channel of a river or other watercourse and the adjacent portion of the flood plain required to convey the one hundred (100) year flood without increasing the water surface elevation more than one foot (1') at any point assuming equal conveyance reduction outside the channel from the two (2) sides of the flood plain.
Flood Insurance Rate Map:	The official map prepared by the U.S. Department of Housing and Urban Development - Federal Insurance Administration delineating where flood insurance may be sold and the risk premium zones applicable to such area.
Flood Plain:	The area adjoining a river or other watercourse that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent (1%) chance of flood occurrence in every one year), assuming the operation of all existing flood control structures.
Flood Proofing:	Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
Floor Area:	The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.
Floor Area Ratio:	The floor area of the building or buildings on any lot divided by the area of the lot.
Frontage:	That continuous portion of a lot fronting on an improved public street.
Garage, Private:	A detached accessory or portion of a main building housing the motor

	driven vehicles of the occupants of the premises, but not commercial vehicles.
Garage, Public:	A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.
Garage, Storage:	Any building or premises used for housing only motor-driven vehicles, other than trucks and commercial vehicles.
Grade:	The average level of the finished surface of the ground adjacent to the exterior walls of the building.
Group Home:	Any premises, privately or publicly sponsored, where board and supervision are given to persons not related by blood or marriage to the owner or primary occupant thereof, for the purpose of social rehabilitation and/or long-term sheltered care.
Historic Site:	A site, building, or structure which has local, state, or national historical significance, as determined by the appropriate authority.
Home Occupation:	Any occupation or profession carried on by a member of the immediate family residing on the premises in connection with which there is used no sign other than a name plate, not more than one (1) square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling or garage; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is customarily for purely domestic household purposes, provided that cobbler's work or shoe repair work (including the use of such mechanical equipment as is normally used for such repair) shall be considered a home occupation so long as it meets all the other occupation criteria set forth herein.
Hospital:	An establishment providing physical or mental health service, in-patient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitariums.
Hotel:	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding house or lodging house as herein defined.
Institution:	A nonprofit establishment for public use.
Junk:	Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.
Junk Yard:	The use of land, whether inside or outside a structure, for the keeping or abandonment of junk. (Also see salvage.)
Kennel:	An establishment where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale.
Landscaped Area:	An area that is permanently devoted and maintained to the growing of shrubbery, grass, and other plant material.
Large Scale Retail Development:	A property of twenty (20) acres or more including the main lot and subdivided lot(s), which is used primarily for purposes as defined in Section 10-11-1(A), (B), (F), and (G); and Section 10-11-2(A), (B),

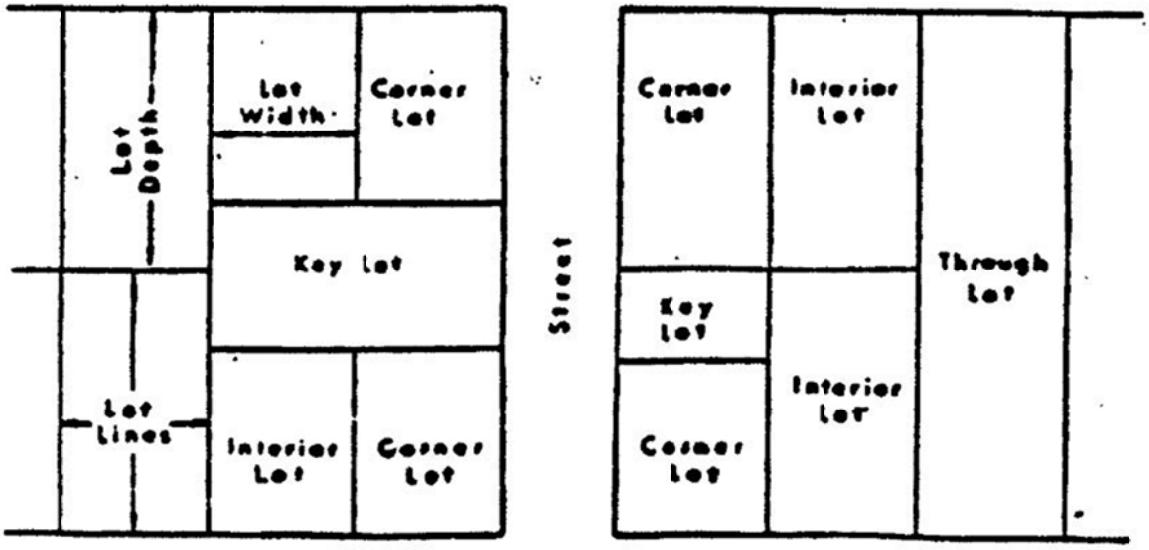
(F), (G), (H), and (I). The Large Scale Retail Development can be one or multiple owners for the entire property or any individual subdivided lot.

Lodging or Rooming House: Same as "Boarding House".

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building together with its accessory buildings, open spaces, and parking spaces required by this Ordinance, and having its principal frontage upon an improved road or street.

Lot, Area: The total horizontal area within the lot lines of the lot.

ILLUSTRATION OF LOT DEFINITIONS



Lot, Corner: A lot abutting upon two (2) or more streets at their intersections.

Lot, Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting roads, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A lot or parcel of land the plat or deed of which has been recorded prior to the adoption of this Ordinance.

Lot, Width: The width of a lot at the front yard line.

Manufacturing: The act of making goods or articles from raw materials or unfinished products. Includes processing and assembling.

Mausoleum: A building or structure designed with vaults to hold many caskets or crematory urns.

Mobile Home (House Trailer): A transportable manufactured structure built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

Mobile Home Park: A parcel of land, ten (10) acres or more in area, under single ownership on which two (2) or more mobile homes are occupied as residences, not accessory to a farm, developed in accordance with a site development plan meeting all the requirements of this Ordinance.

Modular Building: A prefabricated transportable building manufactured in whole or in part off the site, designed to be used by itself or to be incorporated

	with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, or sub-elements which are to be incorporated into a structure at the site.
Motel, Motor Court, Motor Lodge, or Tourist Court:	Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.
Nonconforming Use:	The use of any building, structure, or land existing at the time of the enactment of this Ordinance, or any amendments thereto, which does not conform in whole or in part to the provisions of this Ordinance or its amendments.
Noxious Fumes:	Fumes which are in sufficient quantity to be harmful to health.
Nursery School (Child Care):	Any land, building, structure, or premises used for educational instruction and/or supplemental parental care for four (4) or more children, either on an hourly or daily basis, with or without compensation.
Nursing Home:	A home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick and injured.
Office:	The building, room, or series of rooms in which the affairs of a business, profession, or branch of government are conducted.
One Hundred (100 Year) Frequency Flood:	That portion of the flood plain of the Mississippi River its tributary streams that would be inundated by the limits established for a hypothetical flood having a recurrence frequency of once in about one hundred (100) years, as determined by the U.S. Corps of Engineers.
Open Area:	That part of a lot on which no part of a building or structure extends above the following elevations: A. Two feet (2') above the highest curb elevation of the street or streets that bound the lot; B. One foot (1') above the adjacent curb elevation for each one and one-fourth foot (1 1/4') the building or structure is set back from the street lot line, except that no portion of the structure shall exceed twelve feet (12') above the adjacent curb elevation. This provision shall apply to walls or structures that do not extend more than four feet (4') above the adjacent curb elevation.
Parking Area (Lot):	An open area, other than the street, intended and used for the temporary parking of motor vehicles.
Parking Space:	A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile less than nine feet (9') wide and twenty feet (20') long, together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.
Premises:	A lot, together with all buildings and structures thereon.

Processing:	To prepare a product for sale by either a special treatment or to change it through a series of steps, but not the original manufacture of a component part.
Salvage or Junk Yard:	Any land, building, or other structure used for the storage, collection, processing, or conversion of any worn out, cast off, or discarded metal, paper, glass, or other material which is ready for destruction, or has been collected or stored for salvage or conversion to some use. This includes, but is not limited to, such things as automobiles, machinery, farm implements, household appliances, and construction materials. (Also see Junk Yard.)
Satellite Receiving Dish:	An apparatus that allows microwaves to reflect back to an antenna, also commonly referred to as an earth station.
Setback:	The distance between any street line and the nearest point to which any building or structure can be erected. All measurements shall be to the outside edge of the ground floor wall nearest the lot line or street line.
Sign:	A sign is any structure or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business; or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction, or advertisement. For the purpose of this Ordinance, the word “sign” does not include the flag, pennant, or insignia of any nation, state, city, or political unit, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, moment, or event. (See Sign Ordinance.)
Sign, Advertising:	A sign which directs attention to a business or commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises. (See Sign Ordinance.)
Sign, Area:	The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures and the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.
Sign, Electronic Message Center:	A light emitting diode (LED) sign that is controlled via electronic communication. An electronic message center (EMC) sign has information created on a computer using a software program that allows the user to display static or moving messages consisting of text, graphics, video graphics, and animation, including the use of multiple colors on a contrasting background. Unless otherwise provided herein, EMC’s shall not be permitted to change pages or images more frequently than once every two (2) seconds. The use of EMC’s shall be restricted to on-site advertising and/or the promotion of not-for-profit communitywide events or activities. Historic Consideration: The use of Electronic Message Center Signs within any Historic District as approved for listing to the National Register of Historic Places by the National Park Service is prohibited.
Sign, Ground:	Any sign erected, constructed, or maintained for the purpose of

	displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by two (2) or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.
Sign, Marquee:	Any sign affixed to a marquee over the entrance to a building and supported from the building.
Sign, Portable:	A sign, banner, sandwich board, mannequin, or advertising display constructed of cloth, canvas, plastic, blackboard, cardboard, wall board, metal, or other light material as well as any vehicle or trailer, one (1) of the major uses of which is as a fixed or mobile advertising display. Such described signs shall be deemed portable if they are capable of being carried or moved and not affixed in a permanent manner to the ground, a structure, or other supporting device.
Sign, Post:	Any permanent sign supported by one (1) or more uprights or braces in or upon the ground and not attached to any building or wall, but not including a ground sign or billboard.
Sign, Pylon:	A sign which may identify the name of a Large Scale Retail Development (and may also identify the name and services or merchandise of each or any of the retail stores, offices, cinemas and restaurants located in the development), which must be constructed in accordance with the requirements of Section 10-19-2(D.1)c.
Sign, Roof:	Any sign erected, constructed, or maintained upon the roof of any building.
Sign, Wall:	Any painted sign or poster on any surface or plane that may be affixed to the front, side, or rear wall of any building.
Solid Waste Transfer Station:	A site with a permanent enclosed structure for receiving solid waste for the purpose of reducing its volume for transport to other destinations. Activities include, but are not limited to, the sorting and compacting of materials, shredding, and the temporary storage of said materials while awaiting transport to a landfill or recycling destination. Ancillary site activities may include the composting of yard waste material.
Standard Shrub:	A standard shrub is any bush or small evergreen tree occupying a space of at least eighteen (18) cubic feet.
Standard Tree:	A standard tree is a tree with a minimum caliber of two and one-half inches (2 ½”), ten to twelve feet (10’ to 12’) high, of a deciduous hardwood variety normally capable of attaining a twenty-five foot (25’) height when the tree is twenty (20) years old.
Street:	A public way sixty feet (60’) in width which affords the principal means of access to abutting property.
Street Center Line:	The street center line is a line halfway between the street lines.
Street Line:	A dividing line between a lot and a contiguous street.
Structural Alteration:	Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other Ordinances.
Structure:	Anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or

	permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs, whether located on a rock, tree, separate structure, or part of another structure.
Tourist Home:	An establishment used for dwelling purpose in which rooms, with or without meals, are offered to transient guests for compensation.
Townhouse:	A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.
Yard:	An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.
Yard, Front:	A yard across the full width of the lot extending from the front line of the main building to the front line of the lot or to the designated street line in cases where the present property line extends to the center line of the abutting street. On corner lots, the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.
Yard, Rear:	A yard extending the full width of the lot between a principal building and the rear lot line.
Yard, Side:	A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
Yard Width and Depth:	The shortest horizontal distance from a lot line to the main building.