

CHAPTER 169

ZONING REGULATIONS DISTRICT REGULATIONS

| | |
|--|--|
| 169.01 Districts Established | 169.17 C-2 Downtown Village District |
| 169.02 Official Zoning Map | 169.18 C-4 Office Park Commercial District |
| 169.03 Rules for Interpretation of District Boundaries | 169.19 K-MF-Row House Kettlestone Multi-Family Row House District |
| 169.04 Application of District Regulations | 169.20 K-MF-Stacked Med Kettlestone Multi-Family Stacked Medium District |
| 169.05 A-1 Agricultural District | 169.21 K-MF-Stacked High Kettlestone Multi-Family Stacked High District |
| 169.06 AR Single-Family Acreage District | 169.22 K-MU Kettlestone Mixed Use District |
| 169.07 R-1 Single-Family Residential District | 169.23 K-RN Kettlestone Retail Neighborhood District |
| 169.08 R-2 One- and Two-Family Residential District | 169.24 K-RC Kettlestone Retail Community District |
| 169.09 R-3 Rental Multi-Family Residential District | 169.25 K-RR Kettlestone Retail Regional District |
| 169.10 R-3A Owner-Occupied Multi-Family Residential District | 169.26 K-OF Kettlestone Office District |
| 169.11 R-4 Row Dwelling and Townhome Dwelling District | 169.27 M-1 Light Industrial District |
| 169.12 R-5 Planned Unit Development District | 169.28 M-1A Limited Industrial District |
| 169.13 R-6 Mobile Home Residential District | 169.29 M-2 Heavy Industrial District |
| 169.14 C-1 Community and Highway Service Commercial District | 169.30 PD Planned Development District |
| 169.15 C-1A Neighborhood Commercial District | 169.31 COS Conservation and Open Space District |
| 169.16 C-1B Large Scale Commercial District | |

169.01 DISTRICTS ESTABLISHED. For the purpose of these zoning regulations, the following ~~29~~ classes of districts are hereby established within the City, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these zoning regulations:

| | |
|-------------------|--|
| A-1 | Agricultural District |
| A-2 | Rural Residential District |
| AR | Single-Family Acreage District |
| R-1 | Single-Family Residential District |
| R-2 | One- and Two-Family Residential District |
| R-3 | Rental Multi-Family Residential District |
| R-3A | Owner-Occupied Multi-Family Residential District |
| R-4 | Row Dwelling and Townhome Dwelling District |
| R-5 | Planned Unit Development District |
| R-6 | Mobile Home Residential District |
| C-1 | Community and Highway Service Commercial District |
| C-1A | Neighborhood Commercial District |
| C-1B | Large Scale Commercial District |
| C-2 | Downtown Village District |
| C-3 | Planned Commercial Development District |
| C-4 | Office Park Commercial District |
| K-MF-Row House | Kettlestone Multi-Family Row House |
| K-MF-Stacked Med | Kettlestone Multi-Family Stacked Medium |
| K-MF-Stacked High | Kettlestone Multi-Family Stacked High |
| K-MU | Kettlestone Mixed-Use |
| K-RN | Kettlestone Retail Neighborhood |
| K-RC | Kettlestone Retail Community |
| K-RR | Kettlestone Retail Regional |
| K-OF | Kettlestone Retail Office |
| M-1 | Light Industrial District |
| M-1A | Limited Industrial District |

| | |
|------|--|
| M-2 | Heavy Industrial District |
| COS | Conservation and Open Space District |
| PD-1 | Planned Development District (Overlay) |

169.02 OFFICIAL ZONING MAP.

1. The Official Zoning Map is identified by the signature of the Mayor, attested by the City Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Chapter 169 of the Code of Ordinances of the City." If, in accordance with the provisions of this chapter and Chapter 414, *Code of Iowa*, changes are made in district boundaries or other matter portrayed in the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the City Council.
2. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City. (*See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.*)
3. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of use, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) by the City of Waukee, Iowa."

169.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. In cases where the exact location of a district boundary is not clear as shown on the official zoning map, the following rules shall be used in determining the location of said district boundary:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as approximately following section lines, quarter section lines, or quarter quarter section lines shall be construed as following such lines.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

8. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 6 of this section, the Board of Adjustment shall interpret the district boundaries.

169.04 APPLICATION OF DISTRICT REGULATIONS. The regulations set forth by these zoning regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

1. Compliance with District Regulations. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

2. Compliance with Certain Specifications. No building or other structure shall hereafter be erected or altered:

- A. To have a greater height;
- B. To accommodate or house a greater number of families;
- C. To occupy a greater percentage of lot area; or
- D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces

than herein required; or in any other manner contrary to the provisions of these zoning regulations.

3. Yards and Open Spaces.

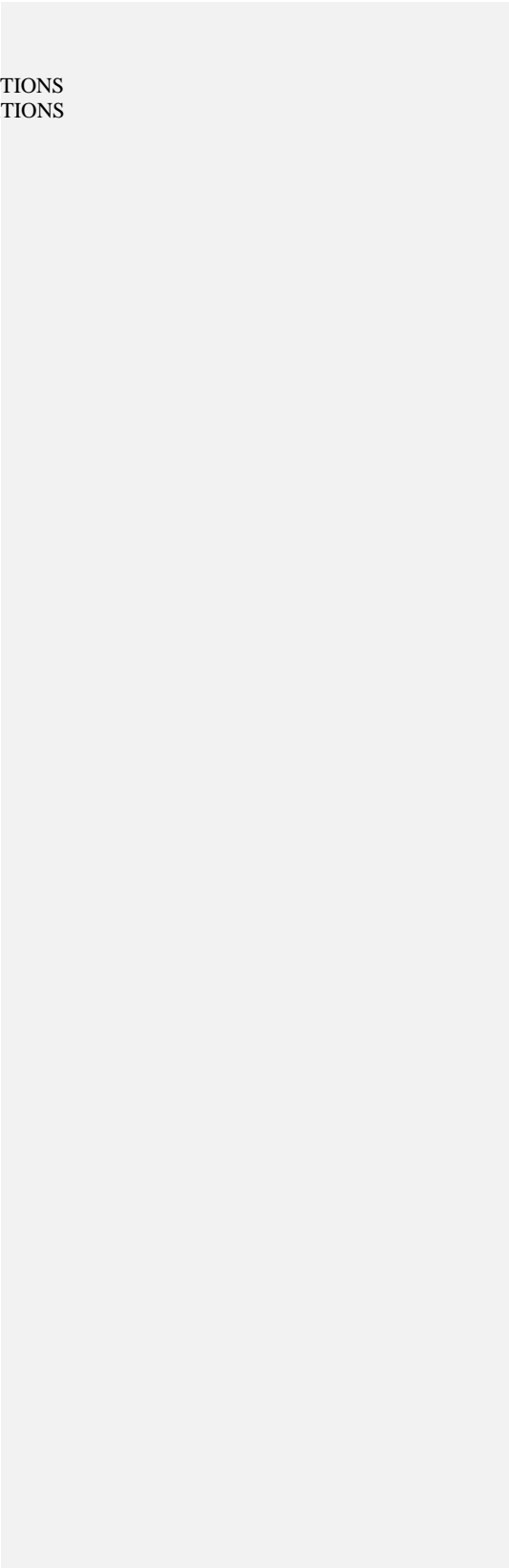
A. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with these zoning regulations shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

B. No yard or lot existing at the time of the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements established by these zoning regulations.

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

[The next page is 1303]



169.05 A-1 AGRICULTURAL DISTRICT. The A-1 District is intended to retain land suited for eventual development of urban uses in a productive agricultural use until the community can feasibly extend its urban services and thus grow in an orderly manner.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the A-1 District.

A. Agricultural and usual agricultural buildings and structures; but not including commercial livestock feed lots, poultry farms, grain storage, and drying facilities.

~~B.~~ B. ~~Bed and breakfast.~~

~~B-C.~~ B-C. Cemeteries, including mausoleums.

~~C-D.~~ C-D. Churches, chapels, temples and similar places of worship.

~~D-E.~~ D-E. Electrical and liquefied product transmission and regulating facilities.

~~E-F.~~ E-F. Kennels for the raising, breeding, and boarding of dogs or other small animals; provided, all buildings, including exercise runways, be at least 200 feet from all property lines, and at least 500 feet from an R District boundary.

~~F-G.~~ F-G. Municipal facilities utilized by the City for services provided to the community, ~~provided, all principal buildings be set back a minimum of 35 feet from all property lines.~~

~~G-H.~~ G-H. Nurseries, greenhouses, truck gardens.

~~H-I.~~ H-I. Private noncommercial recreation areas and centers including country clubs, swimming pools, golf courses and riding stables.

~~I-J.~~ I-J. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the Waukee public school system, but excluding boarding schools, nursery schools, and childcare centers.

~~J-K.~~ J-K. Public water supply and sewage treatment facilities.

~~K-L.~~ K-L. Publicly owned parks, playgrounds, golf courses and recreation areas.

~~L-M.~~ L-M. Single-family dwellings.

2. Accessory Uses. The following accessory uses are permitted in the A-1 District:

A. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

B. Home occupations, as permitted in and as limited by Section 165.11 of these zoning regulations.

C. Parabolic or dish-type antennas larger than 18 inches in diameter shall be placed in the rear yard and must be a minimum of 10 feet from all property lines and shall not be larger than 8 feet in diameter if of opaque construction or 10 feet in diameter if of wire or mesh construction. All such parabolic or dish-type antennas shall be mounted at ground level. The erection and construction of a parabolic or dish-type antenna shall require obtaining a building permit from the administrative official prior to the commencement of any work.

D. Private garage or carport.

E. Roadside stands for the sale of seasonal products grown on the premises; provided, no permanent structures shall be erected or maintained.

F. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side or rear yard at a height no greater than the peak of the roof of the principal structure. The mounting of solar collectors shall be in accordance with the requirements of the Building Code. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.

G. Temporary buildings, including mobile homes or recreational vehicles, for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

3. Bulk Regulations.

| | |
|--------------------------|--|
| Lot Area | 5 acres (for single-family dwelling); No minimum required for other permitted uses |
| Lot Width | 200 feet |
| Minimum Front Yard Depth | 75 feet for single-family dwelling; 35 feet for other principal permitted uses |
| Minimum Rear Yard Depth | 50 feet for single-family dwelling; 35 feet for other principal permitted uses |
| Minimum Side Yard Depth | 50 feet total side yard, minimum 20 feet on one side for single-family dwelling; 35 feet on each side for other principal permitted uses |
| Maximum Height | 3 stories or 40 feet - principal building; 1 story or 20 feet - accessory building (lots less than 10 acres); 1 story or 30 feet - accessory building (lots of 10 acres or more) |
| Minimum Floor Area | 1,050 square feet for dwelling; if building is two or more stories, first floor shall be a minimum of 800 square feet |

~~4. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than 24 feet.~~

~~5.4.~~ Perimeter Foundation Requirement. A permanent perimeter foundation meeting the Waukee Building Code standards shall be required for all principal buildings.

~~6.5.~~ Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations, for all permitted uses.

~~7.6.~~ Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

169.06 AR SINGLE-FAMILY ACREAGE DISTRICT. The AR Single-Family Acreage District is established to provide for large-lot residential development in agricultural areas.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the AR District.

~~A.~~ A. ~~Bed and breakfast.~~

~~A.B.~~ A.B. Cemeteries, including mausoleums.

~~B.C.~~ B.C. Churches, chapels, temples and similar places of worship.

~~D.~~ D. ~~Municipal facilities utilized by the City for services provided to the community.~~

~~C.E.~~ C.E. Private noncommercial recreation areas and centers including country clubs, swimming pools, golf courses and riding stables.

~~D.F.~~ D.F. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the Waukee public school system, but excluding boarding schools, nursery schools, and childcare centers.

~~E.G.~~ E.G. Publicly owned parks, playgrounds, golf courses and recreation areas.

~~F.H.~~ F.H. Single-family dwellings.

2. Accessory Uses. The accessory uses permitted in and as limited in the A-1 District are permitted in the AR District.

3. Bulk Regulations.

| | |
|--------------------------|---|
| Lot Area | 2 acres (for single-family dwelling); No minimum required for other permitted uses |
| Lot Width | 120 feet |
| Minimum Front Yard Depth | 50 feet for single-family dwelling; 35 feet for other <u>principal</u> permitted uses |
| Minimum Rear Yard Depth | 50 feet for single-family dwelling; 35 feet for other <u>principal</u> permitted uses |
| Minimum Side Yard Depth | 50 feet total side yard, minimum 20 feet on one side for single-family dwelling; 35 feet on each side for other <u>principal</u> permitted uses |
| Maximum Height | 3 stories or 40 feet - principal building; 1 story or 14 feet - accessory building |
| Minimum Floor Area | 1,050 square feet for dwellings; if a building is two or more stories, first floor shall be a minimum of 800 square feet; if a building is a split level, each level shall be a minimum of 400 square feet; if a building is a split foyer, the square footage shall be a minimum of 1,050 square feet per story. |

4. ~~Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than 24 feet.~~

5. Perimeter Foundation Requirement. A permanent perimeter foundation meeting the Waukee Building Code standards shall be required for all principal buildings.
6. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168, for all permitted uses.
7. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

[The next page is 1315]

169.07 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. The R-1 District is established to provide for single-family residential uses and areas where similar residential development seems likely to occur.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-1 District:

- A. Churches, chapels, temples, and similar places of worship.
- B. Elder group homes as permitted by and as limited by Section 231B.4 of the *Code of Iowa*.
- C. Family homes as permitted by and as limited by Section 414.22 of the *Code of Iowa*.
- ~~D.~~ D. Golf courses, country clubs, club houses, tennis courts, and similar recreational uses; provided, any such use not be operated primarily for commercial gain.
- ~~D.E.~~ D.E. Municipal facilities utilized by the City for services provided to the community.
- ~~E.F.~~ E.F. Museums, libraries, parks and playgrounds, community center, and similar uses operated by the City.
- ~~F.G.~~ F.G. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Waukee public school system, but excluding boarding schools.
- ~~G.H.~~ G.H. Single-family dwellings.

2. Permitted Accessory Uses.

- ~~A.~~ A. Clubhouses within a residential subdivision where ownership is maintained under a homeowners association. Clubhouses shall be constructed of materials similar to the principal structures within the development and shall meet all setback requirements as specified later in this title.
- ~~A.B.~~ A.B. Home occupations as permitted in and as limited by Section 165.11 of these zoning regulations.
- ~~B.C.~~ B.C. Parabolic or dish-type antennas larger than 18 inches in diameter shall be placed in the rear yard and must be a minimum of 10 feet from all property lines and shall not be larger than 8 feet in diameter if of opaque construction or 10 feet in diameter if of wire or mesh construction. All such parabolic or dish-type antennas shall be mounted at ground level. The erection and construction of a parabolic or dish-type antenna shall require obtaining a building permit from the administrative official prior to the commencement of any work.
- ~~C.D.~~ C.D. Private garage or carport.
- ~~D.E.~~ D.E. Private plant nurseries and greenhouses, not to exceed 240 square feet and not involving retail or wholesale sales.
- ~~E.F.~~ E.F. Private swimming pools, when enclosed with a non-climbable fence at least ~~42-48~~ inches in height, or any enclosure designed for wading or

swimming, which shall be deemed to be a swimming pool if it is capable of holding 18 inches' depth of water.

F.G. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side, or rear yard at a height no greater than the peak of the roof of the principal structure. The mounting of solar collectors shall be in accordance with the requirements of the Building Code. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.

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

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

I.J. Use of a temporary building, within a newly platted subdivision with a minimum final plat size of 10 acres, as a real estate office subject to approval of a temporary site plan. A temporary building permitted to exist shall be subject to the following minimum standards and requirements:

- (1) Temporary building shall be designed to be compatible with a residential neighborhood, including (but not limited to) the use of pitched roof elements and exterior building materials customarily used in residential development, which may include stone, brick, vinyl, or wood lap siding. Skirting shall be provided around the base of the temporary building to match the exterior building materials provided on the building structure. Metal skirting shall not be considered an acceptable material for purposes of meeting the requirements of this section.
- (2) Temporary building shall meet all building setback requirements of the applicable zoning district.
- (3) On-site parking areas constructed for use by visitors to the temporary building shall be constructed of asphalt or concrete but shall not be required to provide concrete curb and gutter.
- (4) A minimum of 20 percent open space shall be provided on the site. A minimum of one tree and six shrubs shall be provided per every 1,500 square feet of required open space.
- (5) Temporary building shall not be permitted to be constructed within any planned development overlay district that has an underlying commercial zoning classification.
- (6) Temporary building shall meet all minimum requirements of the Building Code as adopted by the City.
- (7) Any proposed signage shall be subject to the requirements of Chapter 168 of these zoning regulations.
- (8) The use of the site for a temporary building shall be allowed for one year. Prior to expiration of the temporary site plan, the applicant shall be allowed to request approval of a one-year extension

of the temporary site plan, but in no event should the extension be granted if the granting of the same would no longer be consistent with the surrounding built environment, Chapters 160 through 163 of this Code of Ordinances (Site Plan Requirements), and the provisions of this section.

(9) A cash deposit or surety bond shall be provided in a form approved by the administrative official in an amount sufficient to guarantee to the City the removal of the temporary building and restoration of the site within 60 days after the temporary building site plan has expired. If, after 60 days, no action has been taken to restore the site or premises, the City may take action to restore the site by utilizing the bond or monies deposited or other methods at its disposal.

~~J.K.~~ Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|----------------|---|
| Lot Area | 10,000 square feet for each dwelling plus its accessory building 20,000 square feet where no public sewer facilities are available |
| Lot Width | 80 feet; or 100 feet where no public sewer facilities are available Corner lots shall be 10 feet wider |
| Front Yard | 30 feet When fronting on the right of way of a major thoroughfare shown on the Official Major Street Plan, the front yard shall be measured from the proposed right of way line |
| Rear Yard | 30 feet for dwelling; 40 feet for other <u>principal</u> permitted uses |
| Side Yard | A total of 15 feet; one side may be reduced to not less than 7 feet; 15 feet for any other principal <u>buildingpermitted uses.</u> |
| Maximum Height | 3 stories or 40 feet for principal building 1 story or 14 feet for accessory building |
| Floor Area | 1,050 square feet for single-story dwelling If two or more stories, 1,400 square feet with a minimum first floor square footage of 700 square feet If a split level, each level shall be a minimum of 400 square feet |

If a split foyer, 1,050 square feet per story

1. Dwelling Occupant Load: The maximum permitted occupant load within a dwelling unit in any residential district shall not exceed the following:

| <u>Room Type</u> | <u>Room Area</u> | <u>Maximum Occupant Load</u> |
|--------------------------|---|--|
| <u>Bedroom room</u> | <u>At least 70 sq. ft. but less than 120 s. ft.</u> | <u>1 per room</u> |
| <u>Bedroom room</u> | <u>120 sq. ft. to 180 sq. ft.</u> | <u>2 per room</u> |
| <u>Bedroom room</u> | <u>180 sq. ft. or more</u> | <u>3 per room</u> |
| <u>Multipurpose room</u> | <u>At least 70 sq. ft.</u> | <u>1 per room, not more than 2 per dwelling unit</u> |

For the purposes of this section, a “bedroom” is defined as a space primarily designed and intended for use as a sleeping room which shall include all of the following characteristics:

A. A room with a minimum floor area of 70 square feet of area is capable of being secured by a door.

B. A room with an enclosed closet space of a minimum floor area of six square feet.

C. A room with the provisions for emergency escape and natural light in accordance with the adopted version of the international residential code or international building code as applicable for the dwelling type.

D. For the purposes of this section, a multipurpose room may include a living room, den, study, or other similar room that by design or layout is not primarily intended to be used as a bedroom, but that is otherwise habitable and provides accommodations for sleeping such as a bed, daybed, couch, futon or other similar multipurpose sleeping furniture.

4. _____

4.5. Minimum Width. The minimum dimension of the main body of the principal building shall not be less than 24 feet.

5-6. Perimeter Foundation Requirement. A permanent perimeter foundation meeting Waukee Building Code standards is required for all principal buildings.

6-7. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168, for all permitted uses.

7-8. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

[The next page is 1323]

169.08 R-2 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT. The R-2 District is established to provide for single-family and two-family residential uses and areas where similar residential development seems likely to occur.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-~~1~~2 District:

- A. Any use permitted in and as limited in the R-1 District.
- B. Two-family dwellings.
- C. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage, and yard requirements set forth in this section.
- D. Nursing, convalescent, and retirement homes.

~~B. Childcare centers and nursery schools.~~

~~3.2.~~ Permitted Accessory Uses. The accessory uses permitted in and as limited in the R-1 District are permitted in the R-2 District.

~~4.3.~~ Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|----------------|--|
| Lot Area | 8,000 square feet for each single-family dwelling; 10,000 square feet for each two-family dwelling. 20,000 square feet for each single-family dwelling or 40,000 square feet for each two-family dwelling where public sewer facilities are not available If a split level, each level shall be a minimum 350 square feet If a split foyer, a minimum of 950 square feet per story |
| Lot Width | 65 feet for single-family dwelling; 80 feet for two- family dwelling; corner lots shall be 10 feet wider 100 feet where public sewer is not available |
| Front Yard | 30 feet When fronting on the right-of-way of a street, the front yard shall be measured from the proposed right-of-way line |
| Rear Yard | 30 feet for dwelling; 40 feet for other <u>principal</u> permitted uses |
| Side Yard | A total of 15 feet; one side may be reduced to not less than 7 feet; 15 feet for any other principal building permitted use. |
| Maximum Height | 3 stories or 40 feet for principal building 1 story or 14 feet for accessory building |

| | |
|------------|--|
| Floor Area | <p>950 square feet for single-story single-family dwelling; 750 square feet per unit for single-story two-family</p> <p>If two or more stories, 1,250 square feet for single-family with a minimum of 600 square feet on first floor and 1,050 square feet for two-family with a minimum of 500 square feet on first floor.</p> <p>If a split level, each level shall be a minimum of 350 square feet</p> <p>If a split foyer, 950 square feet per story</p> |
|------------|--|

2. Dwelling Occupant Load: The maximum permitted occupant load within a dwelling unit in any residential district shall not exceed the following:

| <u>Room Type</u> | <u>Room Area</u> | <u>Maximum Occupant Load</u> |
|--------------------------|---|--|
| <u>Bedroom room</u> | <u>At least 70 sq. ft. but less than 120 s. ft.</u> | <u>1 per room</u> |
| <u>Bedroom room</u> | <u>120 sq. ft. to 180 sq. ft.</u> | <u>2 per room</u> |
| <u>Bedroom room</u> | <u>180 sq. ft. or more</u> | <u>3 per room</u> |
| <u>Multipurpose room</u> | <u>At least 70 sq. ft.</u> | <u>1 per room, not more than 2 per dwelling unit</u> |

For the purposes of this section, a “bedroom” is defined as a space primarily designed and intended for use as a sleeping room which shall include all of the following characteristics:

- _____ A. A room with a minimum floor area of 70 square feet of area is capable of being secured by a door.
- _____ B. A room with an enclosed closet space of a minimum floor area of six square feet.
- _____ C. A room with the provisions for emergency escape and natural light in accordance with the adopted version of the international residential code or international building code as applicable for the dwelling type.
- _____ D. For the purposes of this section, a multipurpose room may include a living room, den, study, or other similar room that by design or layout is not primarily intended to be used as a bedroom, but that is otherwise habitable and provides accommodations for sleeping such as a bed, daybed, couch, futon or other similar multipurpose sleeping furniture.

4. _____

- 5. Minimum Width. The minimum dimension of the main body of the principal building shall not be less than 24 feet.
- 6. Perimeter Foundation Requirement. A permanent perimeter foundation meeting Waukee Building Code standards is required for all principal buildings.
- 7. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168, for all permitted uses.

8. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

9. Side-By-Side Two-Family Dwellings.

A. Lot Division Procedure. Where a side-by-side, two-family dwelling is legally constructed, and the plat in which such dwelling is located is properly recorded, provided the dwelling has met zoning regulations at the time it was constructed, inspected, and certificate of occupancy issued, the lot may thereafter be divided to provide individual ownership of the two-family dwelling units by the following procedure:

- (1) A plat showing the as-built location of the two-family dwelling structure on the lot shall be filed with the City.
- (2) The plat of survey shall provide a reference to this section and indicate the purpose for which the plat is prepared.
- (3) The plat shall locate the new ownership division line along the common wall of the structure, and provide individual legal descriptions for each new parcel.
- (4) If the proposed division is approved by the Council, following review by the County Auditor and County Recorder, a deed may be recorded thereafter affecting the lot division, and each lot may be in separate ownership.
- (5) A copy of the recorded deeds and plat of survey shall be filed with the City.

B. Requirements For Each Unit. The following requirements would have to be met by each unit of the side-by-side two-family dwelling divided as herein provided:

- (1) Lots shall comply with the bulk regulation requirements of this section, with the following exceptions, including (but not limited to) lot area, widths, rear and side yard setbacks:
 - a. Lot Area: 5,000 square feet for each unit of a two-family dwelling; where public sewer facilities are not available, not less than 20,000 square feet for each unit of a two-family dwelling.
 - b. Lot Width: 40 feet for each unit of a two-family dwelling; where public sewer is not available, 50 feet.
 - c. Rear Yard Setback: In the case of a corner lot where the duplex has been constructed with the front facade facing the secondary front yard, the minimum rear yard setback shall be eight feet.
 - d. Side Yard Setback: Internal side yard setback, zero feet.
- (2) Buildings whose ownership is divided are required to be and remain of the same exterior finish, including siding, roofing, windows, paint color (or vinyl), garage doors; and colors would be kept the same,

including the building roof which would be replaced all at one time when required, and of the same color and pattern.

(3) Exterior storage buildings of like structure and construction of the original edifice will be allowed with a maximum size of 12 feet by 12 feet, painted and finished the same as original, on a permanent slab or foundation.

(4) Rear yard fencing in compliance with this Code of Ordinances is permitted.

(5) Water and sewer services shall be entirely separate. Common electrical and gas lines may serve all units, but each unit shall be separately metered.

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

[The next page is 1331]

169.09 R-3 ~~RENTAL~~ MULTI-FAMILY RESIDENTIAL DISTRICT. The R-3 District is established to provide for rental multiple-family residential uses (apartments).

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-3 District:

- A. Uses permitted in the R-~~2-4~~ District.
- B. Multiple-family dwellings intended for rental occupancy (apartments), ~~exclusive of row dwellings and townhomes, consisting of not more than 24 dwelling units in one building.~~
- C. ~~Boarding and rooming houses.~~
- ~~C.D. Nursing, convalescent and retirement homes.~~

2. Permitted Accessory Uses. The following accessory uses are permitted in the R-3 District:

- A. Accessory uses as permitted in the R-1 District.
- B. ~~Storage garages, where the lot is occupied by multiple dwellings.~~
- C. ~~In R-3 residential zones, developed as a senior care, congregate care facility, condominium, or apartment complex, an accessory management office, retail convenience or service shop may be permitted, provided that such complex be self-governed or under similar control and contains more than 30 permanent dwelling units provided that:~~
 - ~~(1) Such shops are located on the first floor or lower level and there is no entrance to such place of business except from the inside of the building or internal courtyard.~~
 - ~~(2) Display of any stock, goods, or advertising is so arranged that it cannot be viewed from outside of the building.~~

3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|--|--|
| Density Lot Area | 18 dwelling units per acre 40,000 square feet |
| Lot Area Per Dwelling Unit | 2,500 square feet per unit |
| Lot Width | 75 feet |
| | 30 feet |
| Front Yard | When fronting on the right-of-way of a major thoroughfare shown on the Official Major Street Plan, the front yard shall be measured from the proposed right-of-way line |
| Rear Yard | 30 feet for dwelling; 40 feet for other principal permitted uses |
| Side Yard | A total of 15 feet; one side may be reduced to not less than 7 feet 1,2 ; 15 feet for any other principal building. |

Formatted: Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5" + Tab after: 1.5" + Indent at: 1.5"

Formatted: Indent: Left: 1.5"

| | |
|------------------------------------|--|
| Maximum Height | 3 stories or 40-45 feet for principal building 1 story or 14 feet for accessory building |
| Floor Area | 750 square feet per unit except for efficiency units and one-bedroom apartments, which shall be 600 square feet |
| More Than One Dwelling Unit on Lot | Where more than one principal building is constructed on a lot such principal buildings shall be separated by not less than 40 feet and the front, rear, and side yards shall be determined considering all principal buildings as one unit. |

3. Dwelling Occupant Load: The maximum permitted occupant load within a dwelling unit in any residential district shall not exceed the following:

| <u>Room Type</u> | <u>Room Area</u> | <u>Maximum Occupant Load</u> |
|--------------------------|---|--|
| <u>Bedroom room</u> | <u>At least 70 sq. ft. but less than 120 s. f.t</u> | <u>1 per room</u> |
| <u>Bedroom room</u> | <u>120 sq. ft. to 180 sq. ft.</u> | <u>2 per room</u> |
| <u>Bedroom room</u> | <u>180 sq. ft. or more</u> | <u>3 per room</u> |
| <u>Multipurpose room</u> | <u>At least 70 sq. ft.</u> | <u>1 per room, not more than 2 per dwelling unit</u> |

For the purposes of this section, a “bedroom” is defined as a space primarily designed and intended for use as a sleeping room which shall include all of the following characteristics:

- A. A room with a minimum floor area of 70 square feet of area is capable of being secured by a door.
- B. A room with an enclosed closet space of a minimum floor area of six square feet.
- C. A room with the provisions for emergency escape and natural light in accordance with the adopted version of the international residential code or international building code as applicable for the dwelling type.
- D. For the purposes of this section, a multipurpose room may include a living room, den, study, or other similar room that by design or layout is not primarily intended to be used as a bedroom, but that is otherwise habitable and provides accommodations for sleeping such as a bed, daybed, couch, futon or other similar multipurpose sleeping furniture.

4. _____

~~4.5.~~ Minimum Width. The minimum dimension of the main body of the principal building shall not be less than 24 feet.

~~5.6.~~ Perimeter Foundation Requirement. A permanent perimeter foundation meeting Waukee Building Code standards is required for all principal buildings.

~~6.7.~~ Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168, for all permitted uses.

7.8. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

9. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

1. Except where rear or sidewall is a common wall.

2. Internal Setback Dimensions: In the case of 0 lot line layouts, an open space shall be provided between the buildings/units such that the required front, rear or side yard depth for each building/unit is provided.

[The next page is 1337]

169.10 R-3A OWNER-OCCUPIED MULTI-FAMILY RESIDENTIAL DISTRICT.

The R-3A District is established to provide for owner-occupied multiple-family residential uses (condominium dwellings).

1. After the effective date of this Ordinance, no property within the City of Waukege shall be zoned or rezoned to the R-3A Owner-Occupied Multi-Family Residential District. Existing land zoned R-3A shall abide by the following regulations:

1-2. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-3A District:

- A. Uses permitted in the R-2 District.
- B. Multiple-family dwellings intended for owner occupancy (condominiums), exclusive of row dwellings and townhomes, consisting of not more than 24 dwelling units in one building.

2-3. Permitted Accessory Uses. The following accessory uses are permitted in the R-3A District:

- A. Accessory uses as permitted in the R-1 District.
- B. Storage garages, where the lot is occupied by multiple dwellings.

3-4. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|------------------------------------|--|
| Lot Area | 10,000 square feet |
| Lot Area Per Dwelling Unit | 2,500 square feet per unit |
| Lot Width | 75 feet |
| Front Yard | 30 feet When fronting on the right-of-way of a major thoroughfare shown on the Official Major Street Plan, the front yard shall be measured from the proposed right-of-way line |
| Rear Yard | 30 feet for dwelling; 40 feet for other permitted uses |
| Side Yard | A total of 15 feet; one side may be reduced to not less than 7 feet; 15 feet for any other principal building. |
| Maximum Height | 3 stories or 40 feet for principal building 1 story or 14 feet for accessory building |
| Floor Area | 750 square feet per unit except for efficiency units and one-bedroom apartments, which shall be 600 square feet |
| More Than One Dwelling Unit on Lot | Where more than one principal building is constructed on a lot such principal buildings shall be separated by not less than 40 feet and the front, rear, |

and side yards shall be determined considering all principal buildings as one unit.

4. Dwelling Occupant Load: The maximum permitted occupant load within a dwelling unit in any residential district shall not exceed the following:

| <u>Room Type</u> | <u>Room Area</u> | <u>Maximum Occupant Load</u> |
|--------------------------|---|--|
| <u>Bedroom room</u> | <u>At least 70 sq. ft. but less than 120 s. ft.</u> | <u>1 per room</u> |
| <u>Bedroom room</u> | <u>120 sq. ft. to 180 sq. ft.</u> | <u>2 per room</u> |
| <u>Bedroom room</u> | <u>180 sq. ft. or more</u> | <u>3 per room</u> |
| <u>Multipurpose room</u> | <u>At least 70 sq. ft.</u> | <u>1 per room, not more than 2 per dwelling unit</u> |

For the purposes of this section, a “bedroom” is defined as a space primarily designed and intended for use as a sleeping room which shall include all of the following characteristics:

A. A room with a minimum floor area of 70 square feet of area is capable of being secured by a door.

B. A room with an enclosed closet space of a minimum floor area of six square feet.

C. A room with the provisions for emergency escape and natural light in accordance with the adopted version of the international residential code or international building code as applicable for the dwelling type.

D. For the purposes of this section, a multipurpose room may include a living room, den, study, or other similar room that by design or layout is not primarily intended to be used as a bedroom, but that is otherwise habitable and provides accommodations for sleeping such as a bed, daybed, couch, futon or other similar multipurpose sleeping furniture.

5. _____

4-6. Minimum Width. The minimum dimension of the main body of the principal building shall not be less than 24 feet.

5-7. Perimeter Foundation Requirement. A permanent perimeter foundation meeting Waukee Building Code standards is required for all principal buildings.

6-8. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168, for all permitted uses.

7-9. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

8-10. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

169.11 R-4 ROW DWELLING AND TOWNHOME DWELLING DISTRICT. The R-4 District is established to provide for row dwelling and townhome dwelling uses and areas.

~~4.5.~~ Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-4 District:

A. Row dwellings or townhomes consisting of not more than 12 dwelling units in one building or attached structure either horizontally or vertically. Row dwellings may also be single units provided a homeowner's association is responsible for property maintenance; ~~and not to exceed 6 units in length.~~

B. Churches, chapels, temples, and similar places of worship. ~~For units to qualify under the terms and provisions of this classification, each dwelling unit shall have separate facilities for gas, electricity, sewage and water.~~

C. Elder group homes as permitted by and as limited by Section 231B.4 of the Code of Iowa.

D. Family homes as permitted by and as limited by Section 414.22 of the Code of Iowa.

E. Family homes as permitted by and as limited by Section 414.22 of the Code of Iowa.

F. Golf courses, country clubs, club houses, tennis courts, and similar recreational uses; provided any such use shall not be operated primarily for commercial gain.

G. Municipal facilities utilized by the City for services provided to the community.

H. Museums, libraries, parks, and playgrounds, community center, and similar uses operated by the City.

~~B-I.~~ Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Waukee public school system, but excluding boarding schools.

~~2.6.~~ Permitted Accessory Uses. The accessory uses permitted in and as limited in the R-1 District are permitted in the following accessory uses are permitted in the R-4 District:

~~C. Storage garages.~~

~~4.7.~~ Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|--|---|
| Minimum Plat Area (the area within the perimeter of the plat) | 15,000 square feet |
| Density/Lot Area | 3,500 square feet per unit |
| Lot Width | 20 feet per unit; 75 feet overall |
| Front Yard | 30 feet |
| | When fronting on the right of way of a major thoroughfare shown on the Official Major Street |

Formatted: Font: Italic

Formatted: Font: Italic

Formatted: Font: Italic

| | |
|----------------|--|
| | <u>Plan, the front yard shall be measured from the proposed right-of-way line</u> |
| Rear Yard | 30 feet for dwelling; 40 feet for other permitted uses |
| Side Yard | <u>A total of 12 feet for single unit townhomes</u> A total of 15 feet; one side may be reduced to not less than 7 feet; 15 feet for any other principal building For the purpose of determining side yard requirements in row dwellings, the entire row dwelling structure shall be considered to be one building |
| Maximum Height | 3 stories or 40 feet for principal building 1 story or 14 feet for accessory building |
| Floor Area | 800 square feet per unit |

8. Dwelling Occupant Load: The maximum permitted occupant load within a dwelling unit in any residential district shall not exceed the following:

| <u>Room Type</u> | <u>Room Area</u> | <u>Maximum Occupant Load</u> |
|--------------------------|---|--|
| <u>Bedroom room</u> | <u>At least 70 sq. ft. but less than 120 s. f.t</u> | <u>1 per room</u> |
| <u>Bedroom room</u> | <u>120 sq. ft. to 180 sq. ft.</u> | <u>2 per room</u> |
| <u>Bedroom room</u> | <u>180 sq. ft. or more</u> | <u>3 per room</u> |
| <u>Multipurpose room</u> | <u>At least 70 sq. ft.</u> | <u>1 per room, not more than 2 per dwelling unit</u> |

For the purposes of this section, a “bedroom” is defined as a space primarily designed and intended for use as a sleeping room which shall include all of the following characteristics:

- A. A room with a minimum floor area of 70 square feet of area is capable of being secured by a door.
- B. A room with an enclosed closet space of a minimum floor area of six square feet.
- C. A room with the provisions for emergency escape and natural light in accordance with the adopted version of the international residential code or international building code as applicable for the dwelling type.
- D. For the purposes of this section, a multipurpose room may include a living room, den, study, or other similar room that by design or layout is not primarily intended to be used as a bedroom, but that is otherwise habitable and provides accommodations for sleeping such as a bed, daybed, couch, futon or other similar multipurpose sleeping furniture.

8.9. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations for all permitted uses.

Formatted: Indent: Left: 0.5", No bullets or numbering

~~6. R-1 or R-2 Election. In any R-4 District the owner may elect to treat the district as an R-1 or R-2 District; provided, however, if plat approval is requested containing any one or two family detached dwelling, then the entire district will be either an R-1 District or an R-2 District and subject to the requirements of Section 169.07 or 169.08 of this chapter. Thereafter, no row dwellings or townhome dwellings may be built in said district.~~

7.10. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

8.11. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

[The next page is 1345]

169.12 R-5 PLANNED UNIT DEVELOPMENT DISTRICT.

1. After the effective date of this Ordinance, no property within the City of Waukee shall be zoned or rezoned to the R-5 Planned Unit Development District. Existing land zoned R-5 shall abide by the following regulations:

1.2. Statement of Intent. The R-5 District is intended and designed to provide a means for the development of large tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other chapters of these zoning regulations in AR, R-1, R-2, R-3, and R-4 districts. It is the intent of this section that the basic principles of good land use planning, including an orderly and graded relationship between various types of uses, be maintained and that the sound zoning standards as set forth in these zoning regulations and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved.

2.3. General Procedure.

A. The owner or owners of any tract of land comprising an area of not less than five acres may submit to the Council a petition requesting a change to the R-5 zoning district classification. The petition shall be accompanied by a plan for the use and development of the entire tract of land. The development plan shall be referred to the Planning and Zoning Commission for study and report. The Commission shall review the conformity of the proposed development with the standards of the comprehensive plan, and with recognized principles of architectural design, land use planning, and landscape architecture.

B. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of these zoning regulations to promote public health, safety, morals, and the general welfare. The development plan as approved by the Commission shall then be reported to the Council, whereupon the Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purposes of these zoning regulations.

C. If the Council approves the preliminary plan and request for rezoning, the applicant shall submit to the Commission, within 270 days or such longer period as may be approved by the Council, a final development plan, in triplicate, of not less than one stage of the proposed development showing in detail the location of all proposed:

- (1) Buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each;
- (2) Parking areas;
- (3) Access drives;
- (4) Streets abutting or within the proposed development;
- (5) Walks;
- (6) All proposed walls and fences;

- (7) Landscaping and plant material;
- (8) Required peripheral yards;
- (9) Common land, recreation areas and parks;
- (10) Existing and proposed utilities and public easements;
- (11) Proposed signs and their area and dimensions;
- (12) Storm and sanitary sewer lines;
- (13) Water mains; and
- (14) Development stages and timing.

3.4. Accompanying Documents. The final development plan shall be accompanied by the following required documents:

A. Bylaws of Homeowners' Association. If the proposed development includes common land that will not be dedicated to the City, and the proposed development will not be held in single ownership, proposed bylaws of a homeowners' association fully defining the functions, responsibilities, and operating procedures of the association shall be included. The proposed bylaws shall include, but not be limited to, provisions:

- (1) Automatically extending membership in the association to all owners of dwelling units within the development;
- (2) Limiting the uses of the common property to those permitted by the final development;
- (3) Granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property;
- (4) Placing the responsibility for operation and maintenance of the common property in the association;
- (5) Giving every owner of a dwelling unit voting rights in the association; and
- (6) If the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowners' association and the rights renters shall have to the use of the common land.

B. Bond. Performance bond, which shall ensure to the City that the dedicated public streets, utilities, and other common development facilities shall be completed by the developer within the time specified in the final development plan.

C. Covenants. Covenant to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings that have not been dedicated to the City in compliance with this Code of Ordinances.

D. Additional Agreements. Any additional agreements required by the Council at the time of preliminary plat approval.

E. Final Plat. A final plat shall be submitted with each stage of the final development plan. The plat shall show building lines, lots and/or blocks, common land, streets, easements, and other applicable items required by the subdivision regulations. Following approval of the final plat by the Commission and Council, the plat shall be recorded with the County Auditor and County Recorder.

4.5. Review of Documents. The final development plan and required documents shall be reviewed by the Commission, for compliance with the R-5 standards and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Council for final approval. The final development plan and final plat shall be approved by the Council before any building permit is issued.

5.6. Land Uses and Bulk Regulations. Permitted principal and accessory land uses, lot area, yard, and height requirements shall be as set out below, which shall prevail over conflicting requirements of this section or the subdivision regulations:

A. Use of Buildings. Buildings shall be used only for residential purposes; occupant garages, occupant storage and similar accessory uses; noncommercial recreational facilities; and community activities, including churches and schools.

B. Lot, Yard and Open Space Requirements. The minimum lot and yard requirements of the zoning districts in which the development is located shall not apply, except that minimum yards specified in the district shall be provided around the boundaries of the development. The Council may require open space or screenings to be located along all or a portion of the development boundaries. The height requirements of the zoning district in which the development is located shall apply within 125 feet of the development boundary.

C. Streets and Public Utilities. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.

D. Common Land. "Common land," as used in this section, refers to land retained in private ownership for the use of the residents of the development, or to land dedicated to the general public. Any land gained within the development because of the reduction in lot sizes, below minimum zoning ordinance requirements, shall be placed in common land to be dedicated to the City or retained in private ownership to be managed by a homeowners' association.

E. Off-Street Parking and Loading. The requirements of Chapter 169 of these zoning regulations relating to off-street parking and loading shall apply to all R-5 Districts.

F. Density Requirements. The final development plan shall comply with the density requirements of these zoning regulations.

6.7. Number of Dwelling Units Permitted. The maximum number of dwelling units permitted in an R-5 District shall be determined by dividing the net development area

by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located, then multiplied by 115 percent. (In the R-2 District, the one-family dwelling requirement shall apply.) Net development area shall be determined by subtracting the area set aside actually proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation shall be included in determining the number of dwelling units permitted. The maximum number of multiple dwelling units permitted in the R-5 development shall be determined by the zoning district in which the development is located, as follows:

| Zoning District | Percentage of Total Dwelling Units Permitted as Multiples |
|-----------------|---|
| AR | 10 |
| R-1 | 25 |
| R-2 | 50 |
| R-3 | 100 |
| R-4 | 100 |

If the development area contains two or more different zoning classifications, the number of dwelling units permitted shall be determined in the direct proportion to the area of each zoning classification contained in the entire tract.

7-8. Conditions for Plan Approval. The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term “unimproved property” means all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

8-9. Installation of Improvements. In no event shall the installation of any improvements be commenced in the second or subsequent stages of the final development plan until such time as 90 percent of infrastructure improvements including streets and utilities have been completed in any prior stage of such plan.

169.13 R-6 MOBILE HOME RESIDENTIAL DISTRICT. The R-6 District is intended and designed to provide for certain medium-density residential areas of the City which, by reason of their design and location, are suitable for mobile home development and which are compatible with surrounding residential areas.

1. **Principal Permitted Uses.** Mobile home parks are permitted, in accordance with regulations of the State of Iowa and minimum requirements contained herein, but not including mobile home sales and display areas. No part of any park shall be used for nonresidential purposes except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. This shall in no way prohibit the sale by a resident owner of a mobile home located on a mobile home stand and connected to the pertinent utilities.
2. **Accessory Uses.** Accessory uses may include garbage and storage buildings and common facility service buildings that provide laundry facilities, accessory supplies, vending machines, etc.; also park management buildings, maintenance buildings, community buildings, and other uses of a similar nature. Common facility service buildings shall be located within the central mobile home park area, and shall be restricted to the use of the park occupants.
3. **Height Regulations.** No mobile home shall exceed 20 feet in height, except that radio communication towers constructed in compliance with Chapter 151 of this Code of Ordinances may not exceed 45 feet in height. Accessory buildings shall not exceed a height of 14 feet.
4. **Plan Submittal.** Each petition for a change to the R-6 zoning classification shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical, and sewer lines servicing each mobile home space, the location of garbage receptacles, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, existing and proposed grading, parking facilities, lighting, landscaping, and the location of existing trees, buildings, or other significant features. The required plan shall be considered by the Commission and Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary.
5. **Rental Space Area, Frontage and Yard Requirements.**
 - A. **Park Area; Density.** The area proposed for a mobile home park shall have a minimum of 10 acres. The maximum density allowed for the gross development area shall be seven mobile home units per gross acre.
 - B. **Perimeter Yard Requirements.** All mobile home park perimeter yard requirements shall be not less than 30 feet.
 - C. **Streets.** No part of any mobile home space shall be closer to any public street upon which the park adjoins than 75 feet; however, interior park streets may be located within the setback area.
 - D. **Individual Mobile Home Lots:**
 - (1) The individual mobile home lot shall contain not less than 4,275 square feet and shall measure at least 45 feet by 95 feet.

- (2) Each lot shall have a front yard not less than 15 feet in depth measured from the edge of the surfaced private street to the mobile home.
 - (3) Side yards shall be provided and maintained so as to provide a minimum separation between mobile homes of at least 10 feet; and a minimum separation of at least 6 feet shall be maintained between mobile homes and any other buildings or structures on the same or adjoining lots.
 - (4) Rear yard separations shall be maintained so as to provide separation of mobile homes of at least 16 feet; provided, the homes are placed no closer than 8 feet to the rear lot line as identified by the posts marking the electrical lines.
 - (5) Measurements to the mobile homes shall be taken from the closest point between the paved portion of the street and/or the closest point of the mobile homes at ground level; provided, no overhang extension shall extend out from the mobile home by more than two feet.
 - (6) Setbacks of neighboring mobile homes shall not differ by more than one or two feet.
- E. Recreational Areas. A minimum of 250 square feet for each lot shall be provided for one or more recreational areas that are easily accessible to all park residents. The required recreational area shall be computed in addition to the minimum lot area specified herein.
6. Streets and Parking:
 - A. Width. The entrance road connecting the mobile home park streets with a public street shall have a minimum road pavement width of 31 feet, measured back to back of curbs. All interior streets shall be not less than 20 feet in width measured back to back of curbs. Where parking is permitted alongside of interior streets, an additional 6 feet for parallel parking and additional 16 feet for diagonal parking shall be provided on each side of the street.
 - B. Construction; Parking Spaces Required. All streets shall be constructed in accordance with appropriate ordinances and specifications of the City. Two off-street parking spaces shall be provided on each lot.
 7. Anchorage and Skirting.
 - A. Tie Downs or Anchors. Tie downs or anchors shall be provided on every mobile home stand. Each tie down or anchor must be able to sustain a minimum tensile strength as required by the State Building Code.
 - B. Skirting. Skirting of a permanent type material and construction shall be installed within 90 days to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.
 8. Utilities. Sewer and water facilities shall be provided for each mobile home park space in accordance with the requirements of the Iowa State Department of Health.

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

All mobile home developments must be connected to the municipal water system. All electrical and telephone lines shall be placed underground.

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

[The next page is 1365]

169.14 C-1 COMMUNITY AND HIGHWAY SERVICE COMMERCIAL DISTRICT.

The C-1 District is designed to provide space for the general retail and professional office uses, and efficient development of major retail shopping areas. The uses permitted are also intended to accommodate both the general retail consumer and the needs and services of the automobile traveling consumer.

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

A. Uses permitted in the C-1A District.

~~B.~~ Hospitals.

~~B.C.~~ Retail business or service establishments such as the following:

Animal hospital
Bowling alleys
Brew pub
~~Clubs and lodges, lodges and churches~~
Collection office of public utility
Drinking establishments
Furniture stores
Funeral homes and mortuaries
~~Gas stations~~
~~Golf driving range and miniature golf courses~~
Grocery stores including supermarkets
Household appliances - sales and repair
~~Meat market for storage~~
~~Medical, dental, and osteopathic clinics~~
Music recording studios
New and used car sales and service
Plumbing, heating and air conditioning shops
Small batch distillery
Printing shops
~~Night clubs and taverns~~
Wholesale display and sales room
~~New and used car sales and service excluding body repair and painting~~
~~Child care centers and nursery schools~~

~~E.D.~~ Service, business or recreational uses such as the following:

Automobile, trailer, motorcycle, boat, farm implement and lawn and garden establishments for display, hire, rental and sales (including sales lots)
[This paragraph shall not be construed to permit automobile, tractor, or machinery wrecking and rebuilding and used parts yards.]
Car wash
Commercial entertainment/recreational facilities such as: commercial
swimming pools, skating rinks, golf driving ranges, miniature golf courses, drive-in theaters and similar recreational uses and facilities
~~Garage for general motor vehicle repair~~Automotive vehicle service and repair
Liquor and beverage stores
~~Motels and motor hotels~~
~~Drive-in restaurants~~
~~Recreational vehicle parks~~
~~Truck stops~~
Hotels

- 2. Permitted Accessory Uses.
 - A. Accessory uses and structures customarily incidental to any principal permitted use.
 - B. Storage of merchandise incidental to the principal use.
- 3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|--------------------|--|
| Lot Area | no minimum |
| Lot Width | no minimum |
| Minimum Front Yard | 30 feet |
| Minimum Rear Yard | 30 feet |
| Minimum Side Yard | No minimum, except when adjacent to any R District, the minimum side yard setback shall be 45 <u>30</u> feet. |
| Maximum Height | 3 stories or 40 feet for principal building. No minimum except when adjacent to an R-1, R-2 or R-4 District, the maximum shall be 2 stories or 40 feet 1 story or 14 feet for accessory building |

~~4. Building Area. No single building within the C-1 District shall exceed 50,000 square feet. No configuration of buildings shall be allowed which is intended or planned to circumvent this requirement.~~

~~5.4.~~ Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

~~6.5.~~ Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

~~7.6.~~ Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.

[The next page is 1373]

169.15 C-1A NEIGHBORHOOD COMMERCIAL DISTRICT. The C-1A District is designed to provide space for the development of ground that routinely assists the daily needs of the local traveling public while promoting scale and harmony with adjacent residential land uses, general retail and service commercial uses outside the Downtown Village District. The uses permitted are intended to accommodate primarily the local and trade area retail consumer.

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

A. ~~Hospitals, clinics~~ Medical clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.

B. Business and professional offices including but not limited to the following: law, engineering, real estate, insurance, and similar uses.

~~C.~~ Personal service businesses such as beauty and barber shops, shoe repair and similar uses.

~~D.~~ Churches, chapels, temples and similar places of worship.

~~E.~~ Municipal facilities utilized by the City for services provided to the community.

~~D.F.~~ Retail business or service establishments such as the following:

- Antique shops
- Apparel shops
- Art ~~galleries~~ shops
- Baby and children stores
- Bakeries or bakery outlets ~~—retail sales only~~
- Bicycle shops, sales and repairs
- Book stores
- Camera stores
- Child care centers and nursery schools
- Clothes cleaning and laundry pickup stations
- Confectionery stores, including ice cream or snack bars
- Convenience store
- ~~Dairy stores—retail only~~
- Delicatessens
- Dance studios
- Drug stores
- ~~Dry goods stores~~
- Florist shops
- Home furnishing, décor and accessory stores ~~Furniture stores~~
- ~~Gift shops~~
- Hardware stores
- Hobby and gift shops
- Jewelry stores and watch repair shops
- Key shops
- Launderettes and dry-cleaning establishments, coin-operated dry-cleaning establishments, and dry-cleaning or pressing establishments
- Meat market for retail sales only
- Leather goods store
- Music and video stores
- ~~Music studios other than recording studios~~
- Novelty food and drink shops
- Paint and wallpaper stores

- Photographic studios
- Postal substations
- ~~Professional offices~~
- Radio and television sales and repair shops
- ~~Real estate, insurance and financial institutions~~
- Restaurants, cafes
- Retail printing/copy shops
- ~~Shoe and hat repair shops~~
- Sporting goods stores
- Tailor and dressmaking shops
- Toy stores
- Variety stores

E.G. ~~Service, business or~~ Wellness or recreational uses such as the following:

- ~~Instructional fitness or recreational studio~~, ~~Automobile accessory stores~~
- ~~Health club~~ ~~Drive-in banks~~
- ~~Food, meat and fruit stores and food catering services, retail only~~
- ~~Laundry pickup stations~~
- Travel and tourist information centers

2. Permitted Accessory Uses.
 - A. Accessory uses and structures customarily incidental to any principal permitted use.
 - B. Storage of merchandise incidental to the principal use.
3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|--------------------|---|
| Lot Area | no minimum |
| Lot Width | no minimum |
| Minimum Front Yard | 30 feet |
| Minimum Rear Yard | 30 feet |
| Minimum Side Yard | No minimum, except when adjacent to any R District, the minimum side yard setback shall be 15 30 feet. |
| Maximum Height | 2 stories or 40 feet for principal building |
| | 1 story or 14 feet for accessory building |

4. Building Area. No single building within the C-1A District shall exceed 50,000 square feet. No configuration of buildings shall be allowed which is intended or planned to circumvent this requirement.
5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.
6. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.
7. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the

building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.

[The next page is 1381]

169.16 C-1B LARGE SCALE COMMERCIAL DISTRICT. The C-1B District is designed to provide space for the large retail and professional office uses, and efficient development of major retail shopping areas with single structures of over 50,000 square feet. The uses permitted are also intended to accommodate both the general retail consumer and the needs and services of the automobile traveling consumer.

1. After the effective date of this Ordinance, no property within the City of Waukee shall be zoned or rezoned to the C-1B Large Scale Commercial District. Existing land zoned C-1B shall abide by the following regulations:

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

- A. Uses permitted in the C-1A and C-1 District.

3. Permitted Accessory Uses.

- A. Accessory uses and structures customarily incidental to any principal permitted use.
- B. Storage of merchandise incidental to the principal use.

4. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|---------------------------|---|
| Lot Area | no minimum |
| Lot Width | no minimum |
| Front Yard | 50 feet; when fronting on the right-of-way of a major thoroughfare shown on the Official Major Street Plan, the front yard shall be measured from the proposed right-of-way line. |
| Rear Yard | 50 feet |
| Side Yards | No minimum shall apply except where the side yard is adjacent to an R District, in which case the side yard shall be at least 40 feet. |
| Maximum Height | 50 feet; except that radio communication towers, constructed in compliance with Chapter 151 of this Code of Ordinances, may not exceed 45 feet in height. |
| Maximum Number of Stories | 3 stories |

5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

6. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

7. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

shall not include access drives, parking areas, structures, or buildings, except ornamental structures included as part of the landscaping theme.

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

[The next page is 1385]

169.17 C-2 DOWNTOWN VILLAGE DISTRICT. The C-2 District is intended to accommodate ~~the a~~ variety of retail stores, services, offices, and mixed-density residential uses and related activities conducive to the environment desired in the Downtown Village District. The C-2 Downtown Village District zoning designation is reserved for those properties located within the adopted Downtown District Boundary Map of the *Downtown Design Guidelines* ~~document identifying areas for commercial, office, mixed-use, and/or residential uses.~~

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

A. Any commercial use such as the following, provided that said commercial use is located within a conforming district established in the adopted *Downtown Design Guidelines*:

(1) ~~Uses permitted in the C-1A District, Medical clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.~~

(2) ~~Business and professional offices including the following: law, engineering, real estate, insurance, financial, and similar uses.~~

(3) ~~Personal service businesses such as:~~

~~Beauty and barber shops~~

~~Shoe, watch, and hat repair shops~~

~~Laundrettes and dry cleaners~~

(4) Retail business or service establishments such as the following:

~~Brew Pubs, Antique shops~~

~~Drinking establishments, Apparel shops~~

~~Small batch distillery, Art and hobby shops~~

~~Art galleries~~

~~Baby and children stores~~

~~Bakeries or bakery outlets — retail sales only~~

~~Bicycle shops, sales and repairs~~

~~Book stores~~

~~Camera stores~~

~~Child care centers and nursery schools~~

~~Confectionery stores, including ice cream or snack bars~~

~~Convenience store~~

~~Dairy stores — retail only~~

~~Delicatessens~~

~~Dance studios~~

~~Drinking establishments~~

~~Drug stores~~

~~Dry goods stores~~

~~Florist shops~~

~~Gift shops~~

~~Hardware stores~~

~~Home furnishing, décor, and accessory stores~~

~~Jewelry stores and watch repair shops~~

~~Key shops~~

~~Meat market for retail sales only~~

~~Leather goods store~~

Formatted: Indent: Left: 1.5"

Formatted: Indent: Left: 1.5", Space Before: 6 pt

~~Music and video stores~~
~~Music studios~~
~~Novelty food and drink shops~~
~~Paint and wallpaper stores~~
~~Photographic studios~~
~~Postal substations~~
~~Retail printing/copy shops~~
~~Radio and television sales and repair shops~~
~~Restaurants, cafés~~
~~Sporting goods stores~~
~~Tailor and dressmaking shops~~
~~Toy stores~~
~~Variety stores~~

(5) Service, business or recreational uses such as the following:

Automobile service and accessory stores
 Bowling alley
~~Food catering services~~ Drive-in banks
~~Food, meat and fruit stores and food catering services—retail only~~
 Theatres, movie or performance
~~Travel and tourist information centers~~

~~C.B.~~ Dwelling units, provided that the residential dwelling is within the Residential Transition District identified within the adopted *Downtown Design Guidelines* or in a mixed-use building as specified herein.

~~D.C.~~ Mixed-use buildings, – provided that residential uses are within the upper floors of a building with a commercial or office use located in the ground floor of said building. Ground floor dwelling units may be considered, provided that the ground floor dwelling unit does not comprise more than 1/3 of the total building’s street frontage and the unit receives a unanimous approval from the City Council as a part of an overall site plan proposal.

2. Permitted Accessory Uses.

- A. Accessory uses and structures customarily incidental to any principal permitted use.
- B. Storage of merchandise incidental to a commercial principal use.
- C. Private garage or carport.
- D. Home occupations as permitted in and as limited by Section 165.11.
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|---------------------------|--|
| Lot Area | no minimum |
| Lot Width | no minimum |
| Minimum Front Yard | 10 feet for commercial or mixed-use properties; 30 feet for properties adjacent to Hickman Road (US Highway 6) |
| Minimum Rear Yard | None for commercial uses, except for principal permitted uses adjacent to residential properties not within the C-2 Downtown Village District, which shall provide a minimum of 25 feet |
| Minimum Side Yard | No minimum, except for principal permitted uses adjacent to residential properties not within the C-2 Downtown Village District, which shall provide a minimum of 10 feet. A minimum of 15 total feet, 7-foot minimum on one side, for any residential use. |
| Maximum Height | 40 feet for commercial or residential only buildings, except that radio communication towers constructed in compliance with Chapter 151 of this Code of Ordinances may not exceed 45 feet in height, or 60 feet for mixed-use buildings. |
| Maximum Number of Stories | 3 stories for commercial or residential only buildings; 4 stories for mixed-use buildings. |

4. Off-Street Parking and Loading. No off-street parking or loading is required for commercial uses. The minimum off-street parking for dwelling units shall be provided at a rate of one space per unit.

5. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances and the adopted *Downtown Design Guidelines*.

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

[The next page is 1395]

169.18 C-4 OFFICE PARK COMMERCIAL DISTRICT. The C-4 District is intended and designed to provide certain areas of the City for the development of professional and business offices. ~~The district is intended to be compatible with established residential areas where limited office use would be suitable and not incompatible with the residential character of the district. The district is also intended for certain residential areas that, by reason of proximity to existing commercial areas and major streets, would be suitable for limited office use.~~

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the C-4 District.

A. Business and professional offices such as the following: law, engineering, architecture, real estate, insurance, accounting, bookkeeping, finance, banking, stock brokerage and uses of a like or similar nature.

B. The office of a doctor, dentist, osteopath, chiropractor, optometrist, chiropodist, or similar profession.

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

D. Hospitals and skilled recovery centers, ~~libraries, funeral homes, and mortuaries.~~

E. Hotels and conference centers

F. Restaurants (not including drive-through restaurants)

E.G. Office buildings serving the management, research, design, marketing, and production needs of the general business community.

~~B. The following low intensity commercial service uses, intended primarily to serve the occupants and patrons of the C-4 District, shall be permitted within a building housing a use permitted under items A through E above: bookstores, camera stores, snack shops, drug stores, gift shops, restaurants (not including drive-in restaurants), cocktail lounges, travel agencies, stationery stores, and uses of a similar nature.~~

~~3.2.~~ Permitted Accessory Uses.

A. Accessory uses and structures customarily incidental to any principal permitted use.

B. The following low-intensity commercial service uses, intended primarily to serve the occupants and patrons of the C-4 District, shall be permitted within a building housing a use permitted under items A through E above: bookstores, camera stores, snack shops, drug stores, gift shops, drinking establishments, travel agencies, office supply stores, child care facilities, fitness centers, hair salon, and uses of a similar nature.

~~D. Prescription pharmacy accessory to a medical clinic.~~

~~5.3.~~ Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.19 of these zoning regulations:

Formatted: Indent: Left: 1", No bullets or numbering

| | |
|--------------------|---|
| Lot Area | no minimum |
| Lot Width | no minimum |
| Minimum Front Yard | 40 feet |
| Minimum Rear Yard | 30 feet |
| Minimum Side Yard | No minimum, except when adjoining any R District or street right-of-way, the minimum side yard setback shall be <u>30</u> 25 feet. |
| Maximum Height | 4 stories or 45 feet—principal building <u>No maximum except when adjacent to R-1, R-2 or R-4 District, 2 stories or 40 feet.</u> 1 story or 14 feet accessory building |

6.4. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

7.5. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

8.6. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 25 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structure, or buildings, except ornamental structures included as part of the landscaping theme.

[The next page is 1401]

169.19 K-MF-ROW HOUSE KETTLESTONE MULTI-FAMILY ROW HOUSE DISTRICT. The K-MF-Row House District is intended and designed to provide certain areas of the Kettlestone development with medium density residential units in a row house or townhome setting. Units may be located on individual lots or on a common association lot under a condominium regime. Row houses should be two to three stories in height, placed close to the street and include front porches. Garages should be encouraged to be rear loaded. The K-MF-Row House zoning designation is reserved for those properties located within the adopted Kettlestone District Boundary Map of the Kettlestone Design Guidelines document identifying areas for residential, commercial, office, and mixed uses.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the K-MF-Row House District.
 - A. Row dwellings or townhomes consisting of no fewer than three dwelling units and no more than eight dwelling units in one building or attached structure.
2. Permitted Accessory Uses.
 - A. Private garage or carport.
 - B. Accessory uses and structures customarily incidental to any principal permitted use.
 - C. Home occupations as permitted in and as limited by Section 165.11.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19.

| | |
|-------------------------------|---|
| Lot Area | No minimum requirement |
| Lot Width | No minimum requirement |
| Front Yard | 15 feet maximum when fronting on a public right-of-way or private street frontage. 20 feet minimum for accessory structures |
| Side Yards | 5 feet for both principal and accessory structures. For the purpose of determining side yard requirements in row dwellings, the entire row dwelling structure shall be considered one building |
| Rear Yard | 30 feet |
| Accessory Building Separation | 30 feet between principal building and accessory building |
| Minimum Height | Principal building – 2 stories |
| Maximum Height | Principal building – 3 stories Accessory building – 1 story |
| Maximum Density | 12 dwelling units per acre |
| Minimum Floor Area | 800 square feet per unit |

4. Off-Street Parking and Loading. A minimum of two parking spaces per unit is required. One parking space per unit shall be enclosed.
5. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structure, or buildings, except ornamental structures included as part of the landscaping theme.
6. Site Plan Requirements. See Chapter 160 of this Code of Ordinances and the adopted Kettlestone Design Guidelines.

[The next page is 1407]

169.20 K-MF-STACKED MED KETTLESTONE MULTI-FAMILY STACKED MEDIUM DISTRICT. The K-MF-Stacked Med District is intended and designed to provide certain areas of the Kettlestone development with medium density residential units in a row house or condominium type setting. Units may be located on individual lots (for horizontally attached buildings) or on a common association lot under a condominium regime. Buildings should be two to three stories in height, placed close to the street and include front porches. Garages should be located in a manner to reduce their public visibility and impact. The K-MF-Stacked Med zoning designation is reserved for those properties located within the adopted Kettlestone District Boundary Map of the Kettlestone Design Guidelines document identifying areas for residential, commercial, office, and mixed uses.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the K-MF-Stacked Med District.
 - A. Row dwellings or townhomes consisting of no less than three dwelling units in one building or attached structure.
 - B. Multiple-family dwellings intended for rental (apartments) or owner occupancy (condominiums) of no fewer than three dwelling units in one building or attached structure.
 - C. Nursing, convalescent, and retirement homes.
2. Permitted Accessory Uses.
 - A. Private garage or carport.
 - B. Accessory uses and structures customarily incidental to any principal permitted use.
 - C. Home occupations as permitted in and as limited by Section 165.11.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19.

| | |
|-------------------------------|---|
| Lot Area | No minimum requirement |
| Lot Width | No minimum requirement |
| Front Yard | No minimum for principal permitted uses. 20 feet minimum for accessory structures |
| Side Yards | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 30 feet. 5 feet for accessory structures. |
| Rear Yard | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 30 feet. 5 feet for accessory structures. |
| Principal Building Separation | 10 feet |

| | |
|-------------------------------|--|
| Accessory Building Separation | 30 feet between principal building and accessory building |
| Minimum Height | Principal building – 2 stories |
| Maximum Height | Principal building – 3 stories Accessory building – 1 story |
| Maximum Density | 14 dwelling units per acre |
| Minimum Floor Area | 600 square feet per unit |

4. Off-Street Parking and Loading. A minimum of two parking spaces per unit is required plus one visitor space per five units. One parking space per unit shall be enclosed.
5. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structure, or buildings, except ornamental structures included as part of the landscaping theme.
6. Site Plan Requirements. See Chapter 160 of this Code of Ordinances and the adopted Kettlestone Design Guidelines.

[The next page is 1411]

169.21 K-MF-STACKED HIGH KETTLESTONE MULTI-FAMILY STACKED HIGH DISTRICT. The K-MF-Stacked High District is intended and designed to provide certain areas of the Kettlestone development with high density residential units in a row house or condominium type setting. Units may be located on individual lots (for horizontally attached buildings) or on a common association lot under a condominium regime. Buildings should be three to five stories in height, placed close to the street and include front porches. Garages should be located in a manner to reduce their public visibility and impact. The K-MF-Stacked High zoning designation is reserved for those properties located within the adopted Kettlestone District Boundary Map of the Kettlestone Design Guidelines document identifying areas for residential, commercial, office, and mixed uses.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the K-MF-Stacked High District.
 - A. Row dwellings or townhomes consisting of no less than eight dwelling units in one building or attached structure.
 - B. Multiple-family dwellings intended for rental (apartments) or owner occupancy (condominiums) of no less than eight dwelling units in one building or attached structure.
 - C. Nursing, convalescent, and retirement homes.
2. Permitted Accessory Uses.
 - A. Private garage or carport.
 - B. Accessory uses and structures customarily incidental to any principal permitted use.
 - C. Home occupations as permitted in and as limited by Section 165.11.
 - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19.

| | |
|-------------------------------|---|
| Lot Area | No minimum requirement |
| Lot Width | No minimum requirement |
| Front Yard | No minimum for principal permitted uses. 20 feet minimum for accessory structures |
| Side Yards | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Rear Yard | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Principal Building Separation | 10 feet |

| | |
|-------------------------------|--|
| Accessory Building Separation | 30 feet between principal building and accessory building |
| Minimum Height | Principal building – 3 stories |
| Maximum Height | Principal building – 5 stories Accessory building – 1 story |
| Density | 15 dwelling units per acre minimum 24 dwelling units per acre maximum |
| Minimum Floor Area | 600 square feet per unit |

4. Off-Street Parking and Loading. A minimum of two parking spaces per unit is required plus one visitor space per five units.
5. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structure, or buildings, except ornamental structures included as part of the landscaping theme.
6. Site Plan Requirements. See Chapter 160 of this Code of Ordinances and the adopted Kettlestone Design Guidelines.

[The next page is 1417]

169.22 K-MU KETTLESTONE MIXED USE DISTRICT. The K-MU District is intended and designed to provide certain areas of the Kettlestone development with buildings that include a combination of residential, retail, and office uses. Retail or service businesses are typically located on the first floor with office and residential dwelling units located on the upper floors. All buildings should include a residential component. Stand-alone businesses with drive-throughs, such as banks, restaurants, coffee shops, and drug stores are prohibited. The K-MU zoning designation is reserved for those properties located within the adopted Kettlestone District Boundary Map of the Kettlestone Design Guidelines document identifying areas for residential, commercial, office, and mixed uses.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the K-MU District.
 - A. Multi-family residential dwellings (apartments or condominiums).
 - B. Retail businesses and service establishments such as:
 - (1) Retail sales stores including drug stores, bakeries and grocery stores (outdoor storage is prohibited but limited outdoor display may be permitted as part of the site plan approval process).
 - (2) Personal service businesses such as hair and beauty salons, dry-cleaners and laundrettes, shoe and watch repair shops.
 - (3) Hotels and Motels.
 - (4) Restaurants and Coffee Shops: dine-in, carry-out and drive-through.
 - (5) Stand-alone restaurant and coffee shop buildings are prohibited. All restaurant uses must be contained within and part of a larger building. Outdoor seating areas may be permitted as part of the site plan approval process.
 - (6) Places of assembly such as churches, other places of worship, public and private schools, civic uses and fraternal lodges.
 - (7) Child care centers and nursery schools.
 - C. Office uses such as:
 - (1) Medical clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.
 - (2) Business and Professional offices including the following: law, engineering, real estate, insurance, banks, financial services and similar uses.
2. Permitted Accessory Uses.
 - A. Private garage or carport.
 - B. Accessory uses and structures customarily incidental to any principal permitted use.
 - C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19.

| | |
|-------------------------------|---|
| Lot Area | No minimum requirement |
| Lot Width | No minimum requirement |
| Front Yard | No minimum and a maximum of 20 feet for principal permitted uses. 20 feet minimum for accessory structures |
| Side Yards | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Rear Yard | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Principal Building Separation | No minimum |
| Accessory Building Separation | 30 feet between principal building and accessory building |
| Minimum Height | Principal building – 2 stories |
| Maximum Height | Principal building – 5 stories Accessory building – 1 story |
| Floor Area Ratio | 0.80 |
| Maximum Density | 30 dwelling units per acre |
| Minimum Floor Area | 600 square feet per dwelling unit |

4. Off-Street Parking and Loading. Two spaces per unit and one space per 250 square feet of retail and office uses.

5. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 15 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structure, or buildings, except ornamental structures included as part of the landscaping theme.

6. Site Plan Requirements. See Chapter 160 of this Code of Ordinances and the adopted Kettlestone Design Guidelines.

[The next page is 1423]

169.23 K-RN KETTLESTONE RETAIL NEIGHBORHOOD DISTRICT. The K-RN District is intended and designed to provide certain areas of the Kettlestone development with smaller scale retail that is in closer proximity to residential uses which provides a limited amount of daily, short trip retail needs of the adjoining residential area. The K-RN zoning designation is reserved for those properties located within the adopted Kettlestone District Boundary Map of the Kettlestone Design Guidelines document identifying areas for residential, commercial, office, and mixed uses.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the K-RN District.
 - A. Retail businesses and service establishments, contained within single-tenant building that is no larger than 20,000 square feet of total gross floor area, or multi-tenant building that is no larger than 50,000 square feet of total gross floor area, such as:
 - (1) Retail sales stores including drug stores, bakeries and grocery stores (outdoor storage is prohibited but limited outdoor display may be permitted as part of the site plan approval process).
 - (2) Personal service businesses such as hair and beauty salons, dry-cleaners and laundrettes, shoe and watch repair shops.
 - (3) Restaurants and Coffee Shops: dine-in, carry-out and drive-through.
 - (4) Outdoor seating areas may be permitted as part of the site plan approval process.
 - (5) Child care centers and nursery schools.
 - B. Office uses such as:
 - (1) Medical clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.
 - (2) Business and professional offices including the following: law, engineering, real estate, insurance, banks, financial services and similar uses.
2. Permitted Accessory Uses.
 - A. Private garage or carport.
 - B. Accessory uses and structures customarily incidental to any principal permitted use.
 - C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.19.

| | |
|-------------------------------|---|
| Lot Area | No minimum requirement |
| Lot Width | No minimum requirement |
| Front Yard | No minimum for principal permitted uses. 20 feet minimum for accessory structures |
| Side Yards | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Rear Yard | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Principal Building Separation | 25 feet |
| Accessory Building Separation | 25 feet between principal building and accessory building |
| Maximum Height | Principal building – 2 stories Accessory building – 1 story |
| Floor Area Ratio | 0.25 |

4. Off-Street Parking and Loading. One space per 250 square feet of retail and office uses. Spaces for all other uses shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

5. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structure, or buildings, except ornamental structures included as part of the landscaping theme.

6. Site Plan Requirements. See Chapter 160 of this Code of Ordinances and the adopted Kettlestone Design Guidelines.

[The next page is 1429]

169.24 K-RC KETTLESTONE RETAIL COMMUNITY DISTRICT. The K-RC District is intended and designed to provide certain areas of the Kettlestone development with retail areas that are larger scale than retail neighborhood and are located within closer proximity to employment centers to provide a greater range of retail services for a wider population area. The K-RC zoning designation is reserved for those properties located within the adopted Kettlestone District Boundary Map of the Kettlestone Design Guidelines document identifying areas for residential, commercial, office and mixed uses.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the K-RC District.
 - A. Retail businesses and service establishments, contained within single- or multi-tenant building that is no larger than 50,000 square feet of total gross floor area, such as:
 - (1) Retail sales stores including drug stores, bakeries, and grocery stores (outdoor storage is prohibited but limited outdoor display may be permitted as part of the site plan approval process).
 - (2) Personal service businesses such as hair and beauty salons, dry-cleaners and laundrettes, shoe and watch repair shops.
 - (3) Restaurants and Coffee Shops: dine-in, carry-out and drive-through. Outdoor seating areas may be permitted as part of the site plan approval process.
 - (4) Bars, cocktail lounges, taverns, or saloons. Outdoor seating areas may be permitted as part of the site plan approval process.
 - (5) Convenience stores, gas stations, car washes, automobile repair and service businesses, excluding body repair and painting.
 - (6) Places of assembly such as churches, other places of worship, public and private schools, civic uses, and fraternal lodges.
 - (7) Child care centers and nursery schools.
 - (8) Commercial swimming pools, skating rinks, golf driving ranges, miniature golf courses, drive-in theaters, and similar recreational uses and facilities.
 - (9) Animal hospitals and veterinaries.
 - (10) Hotels and motels.
 - B. Office uses such as:
 - (1) Medical clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.
 - (2) Business and professional offices including the following: law, engineering, real estate, insurance, banks, financial services, and similar uses.
2. Permitted Accessory Uses.
 - A. Private garage or carport.

- B. Accessory uses and structures customarily incidental to any principal permitted use.
- C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.19.

| | |
|-------------------------------|---|
| Lot Area | No minimum requirement |
| Lot Width | No minimum requirement |
| Front Yard | No minimum for principal permitted uses. 20 feet minimum for accessory structures |
| Side Yards | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Rear Yard | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Principal Building Separation | 25 feet |
| Accessory Building Separation | 25 feet between principal building and accessory building |
| Maximum Height | Principal building – 4 stories Accessory building – 1 story |
| Floor Area Ratio | 0.35 |

4. Off-Street Parking and Loading. One space per 250 square feet of retail and office uses. Spaces for all other uses shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

5. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structure, or buildings, except ornamental structures included as part of the landscaping theme.

6. Site Plan Requirements. See Chapter 160 of this Code of Ordinances and the adopted Kettlestone Design Guidelines.

[The next page is 1435]

169.25 K-RR KETTLESTONE RETAIL REGIONAL DISTRICT. The K-RR District is intended and designed to provide certain areas of the Kettlestone development with retail areas intended to be large scale, including large box retailers, and located in high traffic, high visibility areas to provide retail services for the entire community and regional area. The K-RR zoning designation is reserved for those properties located within the adopted Kettlestone District Boundary Map of the Kettlestone Design Guidelines document identifying areas for residential, commercial, office, and mixed uses.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the K-RR District.
 - A. Retail businesses and service establishments such as:
 - (1) Retail sales stores including drug stores, bakeries and grocery stores (outdoor storage is prohibited but limited outdoor display may be permitted as part of the site plan approval process).
 - (2) Hotels and Motels.
 - (3) Personal service businesses such as hair and beauty salons, dry-cleaners and laundrettes, shoe and watch repair shops.
 - (4) Restaurants and Coffee Shops: dine-in, carry-out and drive-through.
 - (5) Outdoor seating areas may be permitted as part of the site plan approval process.
 - (6) Bars, cocktail lounges, taverns or saloons. Outdoor seating areas may be permitted as part of the site plan approval process.
 - (7) Convenience stores, gas stations, car washes, automobile repair and service businesses, excluding body repair and painting.
 - (8) Places of assembly such as churches, other places of worship, public and private schools, civic uses and fraternal lodges.
 - (9) Child care centers and nursery schools.
 - (10) Commercial swimming pools, skating rinks, golf driving ranges, miniature golf courses, drive-in theaters, and similar recreational uses and facilities.
 - (11) Animal hospitals and veterinaries.
 - B. Office uses such as:
 - (1) Medical clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.
 - (2) Business and professional offices including the following: law, engineering, real estate, insurance, banks, financial services and similar uses.
2. Permitted Accessory Uses.
 - A. Private garage or carport.
 - B. Accessory uses and structures customarily incidental to any principal permitted use.

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

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.19.

| | |
|-------------------------------|---|
| Lot Area | No minimum requirement |
| Lot Width | No minimum requirement |
| Front Yard | No minimum for principal permitted uses. 20 feet minimum for accessory structures |
| Side Yards | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Rear Yard | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Principal Building Separation | 25 feet |
| Accessory Building Separation | 25 feet between principal building and accessory building |
| Maximum Height | Principal building – 8 stories Accessory building – 1 story |
| Floor Area Ratio | 0.35 |

4. Off-Street Parking and Loading. One space per 250 square feet of retail and office uses. Spaces for all other uses shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

5. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 20 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structure, or buildings, except ornamental structures included as part of the landscaping theme.

6. Site Plan Requirements. See Chapter 160 of this Code of Ordinances and the adopted Kettlestone Design Guidelines.

[The next page is 1443]

169.26 K-OF KETTLESTONE OFFICE DISTRICT. The K-OF District is intended and designed to provide certain areas of the Kettlestone development with professional office uses consisting of single or multi-tenant buildings that are one or more stories tall. Sites should be well landscaped and buildings should have a high level of exterior finish to promote a professional image. The K-OF zoning designation is reserved for those properties located within the adopted Kettlestone District Boundary Map of the Kettlestone Design Guidelines document identifying areas for residential, commercial, office and mixed uses.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the K-OF District.
 - A. Office uses such as:
 - (1) Business and professional offices including the following: law, engineering, real estate, insurance, accounting, bookkeeping, finance, banking (including retail banks with drive-throughs), stock brokerage and uses of a like or similar nature.
 - (2) The office of a doctor, dentist, osteopath, chiropractor, optometrist, chiropodist, or similar profession.
 - (3) Clinics or group medical centers, including dental clinics, but not including animal clinics or animal hospitals.
 - (4) Hospitals, libraries, funeral homes and mortuaries.
 - (5) Office buildings serving the management, research, design, marketing and production needs of the general business community.
 - B. The low-intensity commercial service uses, intended primarily to serve the occupants and patrons of the Kettlestone Office District, shall be permitted within a building housing a use permitted above:
 - (1) Office supply stores.
 - (2) Computer and electronic equipment sales and service stores.
 - (3) Drug stores.
 - (4) Gift shops.
 - (5) Restaurants and coffee shops (not including drive-through restaurants and coffee shops).
 - (6) Travel agencies.
 - C. Places of assembly such as churches, other places of worship, public and private schools, civic uses and fraternal lodges.
2. Permitted Accessory Uses.
 - A. Private garage or carport.
 - B. Accessory uses and structures customarily incidental to any principal permitted use.
 - C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.19.

| | |
|-------------------------------|---|
| Lot Area | No minimum requirement |
| Lot Width | No minimum requirement |
| Front Yard | No minimum for principal permitted uses. 20 feet minimum for accessory structures |
| Side Yards | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Rear Yard | No minimum for principal permitted uses unless adjacent to adjoining single-family, in which case the minimum setback shall be 50 feet. 5 feet for accessory structures. |
| Principal Building Separation | 25 feet |
| Accessory Building Separation | 25 feet between principal building and accessory building |
| Minimum Height | Principal building under 15,000 square feet – 1 story Principal building over 15,000 square feet – 2 stories |
| Maximum Height | Principal building – 8 stories Accessory building – 1 story |
| Floor Area Ratio | 0.35 |

4. Off-Street Parking and Loading. One space per 250 square feet of retail and office uses. Spaces for all other uses shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

5. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 25 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structure, or buildings, except ornamental structures included as part of the landscaping theme.

6. Site Plan Requirements. See Chapter 160 of this Code of Ordinances and the adopted Kettlestone Design Guidelines.

[The next page is 1449]

169.27 M-1 LIGHT INDUSTRIAL DISTRICT. The M-1 District is intended and designed to provide for increased flexibility in the location of certain manufacturing, distribution, technology, and industrial uses while maintaining protection for nearby residential districts. It allows selected industries of a non-nuisance character to locate in areas within reasonable proximity of residential uses. The M-1 District is characterized by large lots, with landscaped grounds and ample provisions for off-street parking and loading spaces, and structures generally one or two stories in height.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the M-1 District; provided, however, all manufacturing, assembling, compounding, processing, packaging, or other comparable treatment, including storage of any and all materials and equipment, shall take place within completely enclosed buildings, except for parked motor vehicles and off-street parking and loading, as required by Chapter 168 of this Code of Ordinances. No dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them. In addition, all open areas not used for off-street parking or loading shall be planted with grass, shrubs and trees, properly maintained, and kept free from refuse and debris.

- A. Greenhouses.
- B. Mini warehouses, self storage.
- C. Any of the following commercial, retail or services uses:
 - Animal hospital
 - Bakeries or bakery outlets
 - Bicycle shops, sales and repairs
 - Bowling alley
 - Car wash
 - Clubs, lodges and churches
 - Collection office for public utility
 - Commercial entertainment such as: swimming pools, skating rinks, golf driving ranges, miniature golf courses, movie theatres and similar recreational uses and facilities
 - Dance studios, gymnastics, martial arts and other similar facilities
 - Funeral homes and mortuaries
 - Furniture store
 - Garage for general motor vehicle repair or auto body repair
 - Hardware store
 - Paint/wallpaper store
 - Funeral homes and mortuaries
 - Household appliances – sales and repair
 - Launderettes and dry cleaning establishments
 - Meat market ~~for storage~~
 - Plumbing, heating and air conditioning shops
 - Printing shops
 - Truck stops
 - Wholesale display and sales room
 - ~~Car wash~~
 - ~~Commercial swimming pools, skating rinks, golf driving ranges, miniature golf courses, drive-in theatres and similar recreational uses and facilities~~
 - ~~Garage for general motor vehicle repair~~

Recreational vehicle parks

D. Assembly of small electrical appliances, instruments and devices, ~~small industrial and electronic instruments and devices, radios, phonographs and television sets, including the manufacture of small accessory parts only, such as coils, condensers, transformers, crystal holders and similar products.~~

E. Commercial trade schools.

F. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries.

G. Consumer fireworks sales.

G.H. Indoor shooting facilities.

H.I. Research and technology businesses such as laboratories, data centers, call centers, and information technology support and supply which may require a combination of office and flex space to accommodate storage, warehousing, or testing.

I.J. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:

Bakery goods, candy and food products.

Cameras and other photographic equipment.

Electric and neon signs, outdoor advertising signs.

Musical instruments, toys, novelties, and rubber and metal hand stamps.

Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

Products from the following previously prepared materials: bone, canvas, cellophane, cloth, rope, cord, twine, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, cardboard, plastics, natural and synthetic rubber, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wood, yarns, light metal mesh, pipe, rods, strips or wire.

Small precision instruments, such as barometers, clocks, watches and compasses.

J.K. Printing, lithographing or film processing plants.

K.L. Radio and television broadcasting stations and studios, but not including antennas or towers.

L.M. Warehouses for storage of merchandise or material in connection with the uses permitted in this district only.

M.N. Heliports.

N.O. A light metal fabrication facility – fabrication of metal using modern technology, such as lasers and computer numerically controlled equipment, and in which there is no heavy type of processing such as punch presses, stamping, shearing, casting, forging, or iron workers. Within 30 feet of the structure containing such facility, noise shall not, at any time, exceed 65 decibels.

2. Permitted Accessory Uses.

A. Accessory uses of land or structures customarily incidental and subordinate to any of the above principal uses.

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

- B. Dwellings for watchman or caretaker.
- C. Employee cafeteria or other food concession in conjunction with permitted uses.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 165.19.

| | |
|---------------------------|--|
| Front Yard | 30 feet; When fronting on the right-of-way of a major thoroughfare shown on the Official Major Street Plan, the front yard shall be measured from the proposed right-of-way line. |
| Side Yard | None required except when adjacent to an R or C-1 District or street right-of-way line, a side yard of 25 40 feet shall be required. |
| Rear Yard | 30 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required. |
| Maximum Height | 40 feet, except that radio communication towers constructed in compliance with Chapter 151 of this Code of Ordinances may not exceed 45 feet in height. |
| Maximum Number of Stories | 3 stories |

4. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

5. Site and Building Design Standards Requirements. Buildings should be designed according to Chapter 160 of this Code of Ordinances and provide architectural interest indicative of the varying uses internal to the building as illustrated in the adopted Architectural Design Example Book.

6. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 15 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings, except ornamental structures included as part of the landscaping theme.

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

[The next page is 1457]

169.28 M-1A LIMITED INDUSTRIAL DISTRICT. The M-1A District is intended and designed to provide areas of the City suitable for activities and uses of a medium industrial nature.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the M-1A District.
 - A. Any use permitted in M-1 Districts.
 - B. Adult entertainment businesses.
 - C. Bag, carpet and rug cleaning.
 - D. Bakeries.
 - E. Welding or other metal working shops.
 - F. Carting, express, hauling or storage yards; contractors equipment and materials storage yards.
 - ~~G.~~ G. Creamery, bottling works, ice cream manufacturing (wholesale), ice manufacturing and cold storage plant.
 - ~~G-H.~~ H. Distribution centers
 - ~~H-I.~~ I. Enameling, lacquering or japanning.
 - ~~I-J.~~ J. Laboratories – research, experimental and testing.
 - ~~J-K.~~ K. Lumber yards and building material sales yards.
 - ~~K-L.~~ L. Machine shops.
 - ~~L-M.~~ M. Manufacture of musical instruments and novelties.
 - ~~M-N.~~ N. Manufacture or assembly of electrical appliances, instruments and devices.
 - ~~N-O.~~ O. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
 - ~~O-P.~~ P. Manufacture and repair of electric signs, advertising structures, sheet metal products, including heating and ventilating equipment.
 - ~~P-Q.~~ Q. Milk distribution station.
 - ~~Q-R.~~ R. Manufacture of wood products not involving chemical treatment.
 - ~~R-S.~~ S. Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products except; fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour and the rendering or refining of fats and oils.
 - ~~S-T.~~ T. Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and wood.
 - ~~T-U.~~ U. Printing plant.
 - ~~U-V.~~ V. Storage and sale of livestock feed, providing dust is effectively controlled.

~~V-W.~~ Flammable liquids storage not to exceed 40,000 gallons, provided it is located at least 200 feet from any R District.

~~W-X.~~ Wholesale storage and warehouse establishments.

~~X-Y.~~ Monument sales yards.

2. Permitted Accessory Uses. Accessory uses customarily incidental to a permitted principal use, including accessory uses permitted in the M-1 District.
3. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste.
4. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|--------------------|---|
| Lot Area | no minimum |
| Lot Width | no minimum |
| Minimum Front Yard | 40 feet |
| Minimum Rear Yard | 35 feet |
| Minimum Side Yard | No minimum, except when adjoining an R District or C-1 District or street right-of-way, the minimum side yard setback shall be 25 40 feet. |
| Maximum Height | 40 feet – principal building 1 story or 14 feet accessory building |

5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.
6. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.
7. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 15 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.
8. Adult Entertainment Businesses, as Permitted in M-1A and M-2 Districts. It is the purpose of this section to regulate adult entertainment businesses to limit their inherent adverse impact in the community while at the same time permitting lawful businesses to conduct operations in the community. The Council finds as evidenced in other cities that the number of adult entertainment businesses is increasing and that, because of their very nature, are recognized as having serious, objectionable operational characteristics, which are magnified when located in close proximity to dwellings, churches, schools, and parks. Special regulation of adult entertainment businesses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The Council further finds that these regulations are necessary to protect the youth of this community from the objectionable operational characteristics of such businesses by restricting their location. The Council

further finds that these regulations are necessary to protect the health, safety and general welfare of all residents of the community.

A. Limitations. Adult entertainment businesses are subject to the following restrictions, and no person shall cause or permit the establishment of any adult entertainment business contrary to said restrictions:

- (1) No adult entertainment business shall be open for business between the hours of 12:00 midnight and 6:00 a.m.
- (2) An adult entertainment business shall not be allowed within 500 feet of another existing adult entertainment business.
- (3) An adult entertainment business shall not be located within 500 feet of any residentially zoned district.
- (4) An adult entertainment business shall not be located within 1,000 feet of a preexisting school, public park, or church.

Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other business, school, church, public park or areas zoned for residential use which is closest to the said main entrance of such adult entertainment business.

B. Prohibited Activities of Businesses.

- (1) No adult entertainment business shall employ any person under 18 years of age.
- (2) No adult entertainment business shall furnish any merchandise or services to any person who is under 18 years of age.
- (3) No adult entertainment business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult entertainment business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct or permit any other person to engage in any activity of conduct in or about the premises which is prohibited by this section or any laws of the State.
- (4) No part of the interior of the adult entertainment business shall be visible from any pedestrian sidewalk, walkway, street, or other public or semipublic area.
- (5) An adult entertainment business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of 18 years is allowed on the premises. This section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- (6) Except as hereinafter provided, no person shall intentionally expose those parts of his or her body hereinafter listed to another in any

public place, or in any place where such exposure is seen by another person or persons located in any public place.

a. A woman's nipple, the areola thereof, or any portion of the female breast at or below the nipple thereof, except as necessary in the breast feeding of a baby.

b. The pubic hair, pubes, perineum, or anus of a male or female, the penis or scrotum of a male, or the vagina of a female, excepting such body parts of prepubescent infants of either sex.

C. Establishment of Business Described. Establishment of adult entertainment business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses described in Section 165.02(3) of these zoning regulations.

D. Special Use Permit. The adult entertainment businesses may be permitted subject to approval by the Council after public hearing. In its determination upon the particular use at the location requested, the Council shall consider all of the following provisions:

(1) The proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.

(2) Such use shall not impair an adequate supply of light and air to surrounding property.

(3) Such use shall not unduly increase congestion in the streets or public danger of fire and safety.

(4) Such use shall not diminish or impair established property values in adjoining or surrounding property.

(5) Such use shall be in accord with the intent, purpose, and spirit of these zoning regulations and the Comprehensive Plan of the City.

E. Application Requirements. Applications for an adult entertainment business under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations and driveways and the points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

[The next page is 1465]

169.29 M-2 HEAVY INDUSTRIAL DISTRICT. The M-2 District is intended and designed to provide areas for development of property characterized by production, manufacturing, distribution, or fabrication activities not suitable within the M-1 or M-1A Districts.

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

A. Uses permitted in the M-1A District, provided that no dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.

B. Any other use not otherwise prohibited by law; provided, however, the following uses shall be permitted subject to approval by the Council after public hearing, and after report and recommendation by the Commission. The Council shall consider all the following provisions in its determination upon the particular use at the location requested:

(1) The proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

(2) Such use shall not impair an adequate supply of light and air to surrounding property.

(3) Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.

(4) Such use shall not diminish or impair established property values in adjoining or surrounding property.

(5) Such use shall be in accord with the intent, purpose, and spirit of these zoning regulations and the Comprehensive Plan of the City.

No permit will be issued in the M-2 District, other than those uses meeting the requirements listed in M-1A, except as specifically approved by the City Council.

2. Required Conditions.

A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed.

B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least 100 feet from any R District or C District boundary except where adjoining a railroad right-of-way.

3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

| | |
|--------------------|--|
| Lot Area | no minimum |
| Lot Width | no minimum |
| Minimum Front Yard | 40 feet |
| Minimum Rear Yard | 30 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required. If adjoining an R-District boundary, all buildings and structures shall require a minimum setback of 100 feet. |
| Minimum Side Yard | No minimum, except when adjoining an R District, the minimum side yard setback shall be 100 feet. |
| Maximum Height | no limit – principal building 1 story or 14 feet accessory building |

4. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

5. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

6. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than 10 percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.

[The next page is 1475]

169.30 PD PLANNED DEVELOPMENT DISTRICT. The PD (planned development) overlay district is intended to provide flexibility in the design of planned projects, to encourage innovation in project design that incorporates open space and other amenities, and to ensure compatibility of developments with the surrounding urban environment. The PD (planned development) district is intended to promote developments that will be advantageous to the City and its urban form by permitting project design that will surpass the quality of development resulting from application of the regulations of conventional zoning districts. While the PD District may appear to deviate from a literal interpretation of the land development regulations, it is not intended to encourage deviations from the City's Comprehensive Plan or overall development objectives. The district shall not be used to secure approval for projects that do not conform to the City's Comprehensive Plan.

1. PD-1 District Established. In order to permit maximum applicability of the PD district, the PD-1 District is hereby created. The PD-1 (general planned development) District is intended to accommodate large, comprehensively planned developments that are likely to develop over a relatively long period of time. The PD-1 creates special guidelines and regulations to ensure that development over time conforms to an established master plan. The PD-1 also may establish the preliminary plat for those projects which require platting.
2. Criteria For Use. The PD (planned development) District is generally intended for use in the following urban contexts:
 - A. Vacant Land. Areas of substantial open space where the structure of conventional zoning may artificially limit or constrain good urban design, may restrict the achievement of the city's development objectives, or may not be appropriate to changes in technology or demand consistent with the best interests of the City.
 - B. Community Development Areas. Community development areas are areas of the City that are in need of rehabilitation or redevelopment, including areas that may be deficient in public facilities or services. In these situations, the PD District may encourage private investment by recognizing the need for flexibility that conventional zoning regulations do not provide.
 - C. Neighborhood Contexts. Neighborhood contexts are areas in which sensitive project design is critical to maintain and protect the value of surrounding residential neighborhoods and other sensitive or vulnerable urban settings.
 - D. Large Projects. Large projects are projects that have substantial effects on their urban and rural surroundings because of their size and scale.
 - E. Large Areas. Large areas are areas that may be zoned prior to development by the Commission and Council consistent with the Comprehensive Plan, but which require individual project approval as development occurs.
3. Permitted Land Uses. A planned development may include residential, office, commercial, industrial, or public land uses, subject to the requirements of the underlying zoning district.

4. PD-1 District Requirements; Application Procedure.
 - A. Minimum Size. The minimum size of a PD-1 District shall be three acres.
 - B. Pre-Application Concept Plan. Prior to filing an application for approval of a PD-1 District, the applicant shall meet with the administrative official for the purpose of submitting a pre-application concept plan. This plan shall illustrate the conceptual overall plan for the district and shall include at a minimum the information required in Table 1, subsection 6 of this section.
 - C. Review and Comment On Plan. The administrative official shall review and comment on the proposed concept plan and shall provide the applicant with written comments within 30 days of submission of the concept plan.
 - D. Criteria for Consideration. The review of the concept plan shall include consideration of the following criteria:
 - (1) Land use intensity and density.
 - (2) Ability to provide a positive environment for intended uses, including schematic building configurations, arrangements, and general landscaping and site design.
 - (3) Use of open space.
 - (4) Impact on the surrounding natural and built environment.
 - (5) Adequacy of on- and off-site transportation and utility systems to serve the proposed project.
 - (6) Consistency with the City's Comprehensive Plan.
 - E. Filing of Formal Application. Following review of the pre-application concept plan, the applicant may proceed with filing a formal application for approval of a PD-1 District. This plan shall illustrate the development master plan for the district and shall include at a minimum the information required in Table 1, subsection 6 of this section.
 - F. Development Agreement. A PD-1 application shall include a development agreement establishing the development regulations for the district unless initiated by the Commission or Council. The development agreement shall specify the following regulations:
 - (1) Location and quantities of various land uses.
 - (2) Maximum floor area ratios and residential densities.
 - (3) Maximum building and impervious coverage.
 - (4) Front, side, and rear yard setbacks.
 - (5) Maximum heights of proposed structures.
 - (6) Design standards applicable to the project.
 - (7) Incorporation of graphic development plans and drawings into the site development regulations.

- G. Commission and Council Review. The Commission and Council shall review and evaluate each PD-1 District application. The Commission and Council may impose reasonable conditions, as deemed necessary to ensure that a PD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- H. Action of Commission. The Commission, after proper notice, shall consider and act upon each application. The Commission may recommend amendments to PD-1 District applications. The recommendation of the Commission shall be transmitted to the Council for final action.
- I. Public Hearing by Council. The Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a PD-1 District. Proper notice shall mean the same notice established for any other zoning amendment.
- J. Basis for Decisions. In their respective reviews of the PD-1 application, the Commission and Council shall base decisions on findings of fact as set forth in the criteria presented in Table 2, subsection 7 of this section.
- K. Filing of Approved Plans. Upon approval by the Council, the development plan and agreement shall become a part of the ordinance creating or amending the PD District. All approved plans shall be filed with the City Clerk.
- L. Issuance of Building Permits; Certificates of Occupancy. The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PD-1 District unless it is in compliance with the approved development plan or any approved amendments.
- M. Changes or Modifications To Development Plans. The administrative official is authorized at his/her discretion to approve amendments to an approved development plan; provided, that:
- (1) A written request is filed with the administrative official, along with information specifying the exact nature of the proposed amendment.
 - (2) The amendment is consistent with the provisions of this section.
 - (3) The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, land uses or land use intensity, mixture of use types, and physical design.
 - (4) Any amendment not conforming to these provisions shall be submitted to the Commission and Council for action.
- N. Termination of PD-1 District. If no substantial development has taken place in a planned development district for three years following approval of the district, the Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.
5. Commission- or Council-Initiated PD-1 District. In some situations, the Planning and Zoning Commission and/or City Council may initiate or approve a

rezoning of an area to a PD-1 District without submission of a detailed development plan. This action establishes the land uses permitted in an area consistent with the comprehensive development plan, but requires subsequent approval of specific projects through the normal PD-1 submission or approval procedures. An application for creation of such a PD-1 District shall include the following, prepared by the administrative official or the applicant:

- A. Statement. A statement describing the special characteristics of the district and the reason for its creation.
- B. Map. A map indicating the boundaries of the proposed district.
- C. Plan. A generalized area development plan for the proposed district, including:
 - (1) A land use component, identifying proposed uses and the extent and location of each use.
 - (2) A transportation element, identifying any relevant vehicular, pedestrian, or bicycle transportation improvements necessary to ultimate development of the area.
 - (3) A utility service statement, identifying any necessary utility or infrastructure improvements necessary to the ultimate development of the area.
 - (4) An urban design element, if applicable, describing design frameworks, building scale and relationships, siting, landscape design, and other guidelines relating to the specific physical or urban environment of the proposed district.

Table 1, Application Requirements:

| Application Requirement | PD-1 Concept Plan | PD-1 Application |
|---|-------------------|------------------|
| Location, size, legal description of site | X | |
| Existing topography at two-foot intervals | X | |
| Location and description of major site features, including tree masses, drainageways, wetlands, soils | X | |
| Location of 100-year flood plains | X | |
| Generalized land use plan | X | |
| Proposed types and densities of development | X | |
| Generalized internal and external transportation and circulation system, including pedestrian and bicycle system | X | |
| Location of driveways or access points adjacent to the project | X | |
| General location and size of buildings or building footprints | X | |
| Site master plan, including general envelopes of buildings, parking, open space, and other site features | | X |
| Description and location of all use types included in the project, including maximum floor areas devoted to each use | | X |
| Location and design of vehicular, bicycle, and pedestrian circulation systems, including relationship to external transportation system | | X |
| Schematic location and development standards for open space, including conceptual landscape plan | | X |
| Building design standards, including height, materials, sections, and other information required to describe the project | | X |
| Location of existing and proposed utilities, sanitary sewers, storm water facilities, and water, gas, and electrical distribution systems | | X |
| Proposed site development regulations, including maximum FAR or other density regulators, building and impervious coverage, setbacks, maximum heights, and other design standards specific to the project | | X |
| Proposed public and private ownership boundaries, including proposed private lots and common ownership areas | | X |
| Preliminary plat if applicable | | X |
| Final plat if applicable | | X |
| Schedule indicating proposed phasing and scheduling of development | | X |
| Deed restrictions, covenants, agreements, association bylaws, and other documents controlling the use of property, type of construction, or development or activities of future residents | | If required |
| Application checklist on a form provided by the City | | X |

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

Table 2: Review Criteria and Standards For Findings of Fact:

| Criteria For Findings of Fact | |
|---|--|
| Building Design: | |
| Architectural quality | Architectural design and building materials should be compatible with surrounding areas or reflect the specific design objectives of a new development area. |
| Comprehensive Plan: | |
| Consistency with development objectives | Project must be consistent with the City’s Comprehensive Plan, including applicable special area or specific plans. Project design should be consistent with the development standards and objectives of these plans. |
| Public Facilities: | |
| Public safety | Project can be adequately served with police and fire protection. |
| Storm drainage | Project should handle storm water adequately to prevent overloading of public storm water management system. |
| | Project should not inhibit development of other properties or create adverse effects on other sites. |
| | Development should not increase probability of erosion, flooding, landslides, or other runoff related effects. |
| | Project should maximize preservation and enhancement of natural drainage features on site and should facilitate storm water storage techniques consistent with the policies of the City. |
| Utility service | Project is adequately served by public utilities and infrastructure. |
| Site Development: | |
| Landscaping | Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Project design should preserve features of environmental importance to the greatest degree possible. These features include mature trees and woodlands, wetlands, steep slopes, waterways, and bodies of water. |
| Open space | Open spaces should contribute to the quality of the overall project and should provide supporting amenities for residential development. Open spaces should contribute to the design of the project and, when appropriate, provide locations for project related activities. |
| Streetscape | Projects should relate to surrounding public streets and contribute to the quality of the street environment. |
| Transportation: | |
| Alternative modes | Project should make appropriate accommodations for access by public transportation, bicycles, and pedestrians. |
| Street network and continuity | Project should maintain the continuity of the City’s street network or should provide opportunities for local traffic flow away from major arterials. |
| Traffic capacity | Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements should be included to mitigate impact on street system operations. |

CHAPTER 169

ZONING REGULATIONS
DISTRICT REGULATIONS

[The next page is 1487]

169.31 COS CONSERVATION AND OPEN SPACE DISTRICT. The conservation and open space district is intended to preserve and protect the heavily wooded areas, the stream banks and flood plains of the Waukee planning area from adverse future development. It is also intended that development of the flood plains be restricted to minimize the danger to life and property which results from development undertaken without full realization of such danger.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the Conservation and Open Space District.
 - A. Agriculture, truck gardening and nurseries, and the usual accessory buildings, but not including livestock feed lots or poultry farms or similar uses; provided, that no permanent dwelling units shall be erected thereon.
 - B. Any use erected or maintained by a public agency.
 - C. Dumping of approved materials for landfill purposes, subject to prior approval of the Council and appropriate state agencies.
 - D. Forests and forestry preserves.
 - E. Public utility structures, subject to approval of the Board of Adjustment, except those utilities and structures constructed by the City.
 - F. Publicly owned parks, nature areas, playgrounds, golf courses and similar noncommercial recreational uses.
2. Permitted Accessory Uses. Accessory uses customarily incidental to a permitted principal use.
3. Bulk Regulations. The following minimum requirements shall be observed in the Conservation and Open Space District:

| | |
|---------------------------|---|
| Yards | Front Yard – 50 feet; Side Yards – 50 feet; Rear Yard – 50 feet |
| Maximum Height | no limitation |
| Maximum Number of Stories | no limitation |

4. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168 of these zoning regulations.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 169.02 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

| ORDINANCE NO. | DATE ADOPTED | ORDINANCE NO. | DATE ADOPTED |
|----------------------|---------------------|----------------------|---------------------|
| 2709 | February 27, 2012 | 2811 | May 16, 2016 |
| 2711 | July 2, 2012 | 2812 | May 16, 2016 |
| 2712 | July 2, 2012 | 2814 | June 6, 2016 |
| 2713 | July 16, 2012 | 2815 | June 6, 2016 |
| 2719 | October 15, 2012 | 2816 | June 20, 2016 |
| 2720 | December 3, 2012 | 2820 | September 6, 2016 |
| 2726 | April 15, 2013 | 2821 | September 6, 2016 |
| 2727 | April 15, 2013 | 2825 | October 3, 2016 |
| 2729 | May 6, 2013 | 2827 | November 7, 2016 |
| 2730 | May 6, 2013 | 2828 | November 7, 2016 |
| 2731 | May 6, 2013 | 2829 | November 7, 2016 |
| 2732 | June 3, 2013 | 2834 | February 6, 2017 |
| 2737 | August 5, 2013 | 2836 | February 21, 2017 |
| 2738 | August 19, 2013 | 2840 | April 17, 2017 |
| 2739 | September 16, 2013 | 2842 | May 1, 2017 |
| 2748 | October 21, 2013 | 2847 | June 19, 2017 |
| 2750 | November 4, 2013 | 2850 | July 10, 2017 |
| 2760 | April 7, 2014 | 2851 | July 10, 2017 |
| 2765 | July 21, 2014 | 2852 | July 17, 2017 |
| 2770 | August 4, 2014 | 2854 | August 7, 2017 |
| 2771 | August 4, 2014 | 2858 | September 25, 2017 |
| 2772 | August 18, 2014 | 2868 | November 20, 2017 |
| 2774 | November 17, 2014 | 2869 | November 20, 2017 |
| 2780 | May 4, 2015 | 2871 | December 18, 2017 |
| 2781 | May 4, 2015 | 2872 | December 18, 2017 |
| 2782 | May 4, 2015 | 2873 | January 2, 2018 |
| 2783 | June 1, 2015 | 2874 | January 2, 2018 |
| 2786 | July 6, 2015 | 2878 | March 19, 2018 |
| 2788 | August 3, 2015 | 2879 | March 19, 2018 |
| 2789 | September 8, 2015 | 2880 | March 19, 2018 |
| 2790 | September 8, 2015 | 2881 | April 2, 2018 |
| 2791 | November 2, 2015 | 2888 | May 7, 2018 |
| 2793 | December 21, 2015 | 2892 | July 2, 2018 |
| 2798 | January 4, 2016 | 2893 | July 2, 2018 |
| 2799 | January 4, 2016 | | |
| 2805 | April 18, 2016 | | |
| 2806 | April 18, 2016 | | |
| 2807 | April 18, 2016 | | |

[The next page is 1501]