

City of Waterloo Zoning Ordinance



Ordinance No. 5079

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CHAPTER 1 TITLE AND PURPOSE

[Ordinance 3196, 2/22/82]

10-1-1 TITLE AND PURPOSE.

A. Title.

This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of the City of Waterloo, Iowa.

B. Purpose.

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

C. Authority.

This Ordinance is adopted in accordance with the City of Waterloo Comprehensive Plan, as amended, and as permitted and specifically authorized in Chapter 414, City Zoning, Code of Iowa, as amended.

CHAPTER 2 INTERPRETATION OF STANDARDS

10-2-1 INTERPRETATION OF STANDARDS.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State

statutes. Where provisions or requirements of this Ordinance conflict, the most restrictive provision or requirements applies, unless otherwise specified.

10-2-2 INTERPRETATION PERTAINING TO FLOOD PLAIN MANAGEMENT.

[Ordinance 3487, 6/15/87]

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes. Where provisions or requirements of this Ordinance conflict, the most restrictive provision or requirement applies, unless otherwise specified. [Ordinance 5049, 6/20/11]

CHAPTER 3 DEFINITIONS

[Ordinance 3175, 12/14/81]
[Ordinance 3378, 12/17/84]

10-3-1 DEFINITIONS.

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

Abutting: Having property or district lines in common, adjoining. [Ordinance 5417, 8/28/17]

Accessory Structure: A structure located on the same lot with the principal use or principal structure, occupied by or devoted to an accessory use, or on an abutting vacant lot when legally combined to the lot with the principal use or principal structure with a recorded restrictive covenant. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the principal structure, and subject to all yard requirements contained herein.

Accessory Use: A use customarily incidental and subordinate to the principal use or structure and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent, or purpose the principal lawful use or structure.

Actuarial Rates: Or “*risk premium rates*” are those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

Adjacent: Nearby, not distant, may or may not have common property or district lines.

Adult Businesses/Adult Uses: [Ordinance 3642, 5/1/89] The following definitions shall govern the interpretation of the regulations of adult uses.

1. **Adult book or video store.** An establishment having twenty-five (25) percent or more of the retail floor space presently being used by said business or twenty-five (25) percent or more of the gross business income derived from or attributable to printed matter, pictures, slides, records, audio tapes, video tapes or motion picture films, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to “speci-

fied sexual activities” or “specified anatomical areas,” as hereinafter defined.

A building or portion thereof, that engages in the renting, selling, presentation, publication, or distribution of adult products as described herein shall not publicly display such materials and/or products so that they are described, displayed, visible, or advertised from the exterior of the building if said use is to be operated as a non-adult book or video store with less than twenty-five (25) percent of floor space/gross income as described herein.

2. **Adult cabaret.** Any establishment which excludes minors by virtue of age wherein the entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”
3. **Adult conversation parlor.** Any establishment which excludes minors by reason of age and which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
4. **Adult health/sport club.** A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
5. **Adult massage parlor.** A massage parlor which restricts minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

6. **Adult mini-motion picture theater.** A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 7. **Adult motion picture theater.** A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 8. **Adult steam room/bathhouse facility.** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
 9. **Adult uses.** Adult uses include, but are not limited to, adult book and video stores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse facilities, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, and other premises, enterprises, businesses, private clubs/establishments or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. No adult use shall display, describe or make visible from the exterior of the premises any product, medium of communication, or activity that depicts or describes "specified sexual activities" or "specified anatomical areas."
 10. **Protected uses.** Protected uses as herein defined.
 11. "Specified anatomical areas" shall include the following:
 - a. Less than completely and opaquely covered: (a) human genitals, (b) pubic region; (c) buttock, and (d) female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernible rigid state even if completely and opaquely covered.
 12. "Specified sexual activities" shall include the following:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy; or
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- Alcohol Sales Uses:** The following definitions shall govern the interpretation of the regulation of alcohol sales uses:
1. **Alcohol - Protected Uses:** Protected uses as herein defined.

2. ***Alcohol Sales:*** The sale of alcohol and alcoholic beverages, as each such term is defined in Chapter 123 of the Iowa Code, including but not limited to (i) liquor, beer or wine in closed containers intended for off-premise consumption, and (ii) liquor, cocktails, shots, wine, beer and any part of an alcoholic beverage intended for on-site consumption.
3. ***Alcohol Sales Use:*** Any business that derives income from alcohol sales. Alcohol sales uses shall be classified as one of the following:
 - a. ***Incidental Alcohol Sales Use,*** which shall include (i) a club or hotel or motel as such terms are defined in Section 3-2-2 of the Code of Ordinances, (ii) an open-air event of not more than five days' duration that is open to the general public, (iii) golf courses and publicly owned sports complexes or facilities, (iv) non-profit educational institutions or museums hosting special events in support of the organization, or (v) other similar incidental alcohol sales uses as determined by the City Planner or designee. No regulations under this Ordinance that are applicable to alcohol sales uses generally shall apply to an incidental alcohol sales use.
 - b. ***Limited Alcohol Sales Use (off-premise consumption),*** which shall include an alcohol sales use such as a convenience store, gas station, grocery store, or pharmacy, provided that more than sixty (60) percent of its gross income is derived from, and more than seventy-five (75) percent of its retail floor space is devoted to, the sale of merchandise, services for on-premises enjoyment, food, and beverages other than alcoholic beverages, in either case not including the sale of tobacco products, lottery tickets, or pumped vehicle fuels such as gasoline, diesel and similar products, and provided further that not more than twenty-five (25) percent of its gross income as so determined is derived from the sale of alcoholic beverages other than beer or wine.
 - c. ***Limited Alcohol Sales Use (on-premise consumption),*** which shall include (i) a restaurant that is an alcohol sales use, provided that more than fifty (50) percent of its gross income shall be derived from the sale of prepared food and non-alcoholic beverages, and (ii) an alcohol sales use providing facility and product or services rental, such as a bowling alley, in which case more than fifty (50) percent of its gross income shall be derived from the facility, product, or service rental and the sale of prepared food and non-alcoholic beverages. This use classification shall not include dance halls, night clubs or similar facilities that provide no or limited rentals, prepared food or product sales other than alcoholic beverages. For purposes of this Ordinance, any alcohol sales use with on-premise consumption that fails to meet the gross income standards stated above shall be classified as a bar/tavern/night club and regulated as a non-limited alcohol sales use (on-premise consumption).
 - d. ***Non-Limited Alcohol Sales Use (off-premise consumption),*** which shall include any alcohol sales use for off-premise consumption that does not meet the definition of either an incidental alcohol sales use or a limited alcohol sales use (off-

premise consumption), commonly known as a liquor store or similar establishment.

- e. **Non-Limited Alcohol Sales use (on-premise consumption)**, which shall include any alcohol sales use with on-premise consumption that does not meet the definition of either an incidental alcohol sales use or a limited alcohol sales use (on-premise consumption), commonly known as a bar, tavern, night club, dance hall or similar establishment.

Alley: A public way, other than a street, affording secondary means of access to abutting property.

Animals, Farm: Animals other than household pets, such as livestock, that, where permitted, are kept and maintained for commercial production and sale, family food or by-product production, and/or educational or recreational purposes.

Animals, Household Pet: Includes, but is not limited to, dogs, cats, rabbits (when housed within a dwelling), birds, hamsters, and other similar animals kept for family enjoyment or companionship, and not for commercial or economic reasons. See also "Kennel". [Ordinance 5417, 8/28/17]

Animals, Livestock: Includes, but is not limited to, horses, cows, pigs, sheep, chickens and poultry (excluding roosters), goats, ostriches, rheas, emus, farm deer, and other similar animals that are typically raised for meat, wool, eggs, milk or other functional or economic uses. Roosters, camel, guinea, falcon, or any exotic animals as determined in the reasonable discretion of the City Planner or designee shall be prohibited within the City of Waterloo. Swine (including pot belly pigs) shall be prohibited within the City of Waterloo except as provided in Section 5-1-2 of the Code of Ordinances [Ordinance 5417, 8/28/17]

Amendment: A change, supplement, revision or reclassification in the Zoning Ordinance. An amendment can take three (3) forms: (1) a comprehensive revision or modification of the zoning text and map; (2) a text change in zone requirements; and (3) a change in the map, i.e., the zoning designation of a particular parcel or parcels.

Apartment: A dwelling unit in a multiple dwelling.

Apartment Hotel: A building containing both dwelling units and rooming units, used primarily for permanent occupancy.

Apartment House: See Dwelling, Multiple.

Auction Establishments: Any property or structure devoted to public auction or sales, two (2) or more times a year, for selling of private property or consigned goods, except as provided in Section 3-4A-2 of the City Code.

Base Flood: The flood having one (1) percent chance of being equaled or exceeded in any given year. (See One Hundred (100) Year Flood). [Ordinance 5049, 6/20/11]

Basement: A story having part but not more than one-half (1/2) of its average height below grade. A basement is counted as a story for the purpose of height regulations. A basement may be used as a habitable floor subject to the requirements of the currently adopted Building Code. For floodplain management purposes only, a basement shall mean any enclosed area of a building having its floor or lowest level below ground level (subgrade) on all sides. [Ordinance 5049, 6/20/11]

Bed and Breakfast: A building other than a hotel where, for compensation, meals or lodging are provided on a short-term basis. Short-term shall be defined as two weeks or less.

Billboard: "Billboard" as used in this Ordinance shall include all structures regardless of the material used in the construction of the

same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboard are located. Also referred to as an Off-Premise Advertising Sign. [Ordinance 5395, 04/10/17]

Board of Adjustment: A Board, who under appropriate conditions and safeguards, makes special exceptions to the terms of the Ordinances in harmony with its general purpose and intent. This is to be done in accordance with general or specific rules therein contained and provide that any property owner aggrieved by the action of the City in adoption of such regulations and restrictions may petition the said Board directly to modify regulations and restrictions as applied to such property owners.

Boarding or lodging House: A building other than a hotel where for compensation, meals or lodging and meals are provided for three (3) or more persons.

Borrow Pit: Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land, for any purpose other than that necessary and incidental to site grading or building construction on the same property or contiguous property of the same ownership. [Ordinance 5288, 06/15/15]

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals or property, but not including signs or billboards.

Building, Height of: The vertical distance from the average grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building Line: A line, usually fixed parallel to the lot line, beyond which a building

cannot extend under the terms of the Zoning Ordinance. See also "Setback, Required".

Bulk Stations: Distributing stations commonly known as bulk or tank stations commonly used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacities of all storage tanks is more than twelve thousand (12,000) gallons. This however is not limited to flammable liquids, but also could contain milk, syrups, vinegars and non-flammable chemicals.

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

Car Wash: A building or portion thereof containing facilities for washing automobiles or trucks, using production-line methods with a chain conveyor, blower, steam-cleaning device, or other mechanical devices or providing space, water, equipment or soap for the complete or partial hand washing of such automobiles or trucks, whether by operator or by customer.

Cellar: That portion of a building having more than one-half (1/2) of its average height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement. A cellar may be used as a habitable floor subject to the requirements of the currently adopted Building Code.

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

Channel flow thus is that water which is flowing within the limits of a defined channel.

Child Day Care Center: See *Day Nursery* or *Nursery School*.

Clinics: A building or buildings used by physicians and/or dentists, osteopaths, chiropractors and allied professions for out-patient care of persons requiring such professional service.

Commission: Where found in this Ordinance, unless otherwise indicated, this shall mean the City of Waterloo Planning, Programming and Zoning Commission.

Common Land: A parcel or parcels of land, together with the improvements thereon, whether retained in private ownership for the shared use and enjoyment of the owners and occupants of the individual building units in a planned unit development, or dedicated to the general public.

Comprehensive Plan: The document or series of documents prepared and adopted by the Commission and City Council setting forth the policies for the future growth and development of the community. It serves as the guide for many growth related decisions, including land use changes, zoning changes, growth management and capital improvements programming.

Condominium: Individual ownership of a unit in a multi-unit structure with certain parts of a building which would normally be used by all occupants such as yard, foundations, basements, floors, walls, roofs, hallways, stairways, elevators and all other related common elements.

Conditional Zoning: The attachment of special conditions of a rezoning request which are not specifically spelled out in the text of the Zoning Ordinance (Section 10-5-1 (N)).

Day Care: Day Care, as used in this Ordinance, shall be defined as either **Family** or **Group** Day Care, as defined by the Code of Iowa:

1. **Family Day Care** means a person or program which provides child day care to fewer than seven (7) children at any one time or fewer than twelve

(12) children at any one time for a period of less than two (2) hours, but shall not do so unless the home does not provide care at any one time for more than six (6) children who are not attending school full time on a regular basis. In determining the number of children cared for at any one time in a registered or unregistered day care home, if the person who operates or establishes the home is a child's parent, guardian, relative, or custodian and the child is not attending school full time on a regular basis, the child shall be considered to be receiving child day care from the person and shall be counted as one of the children cared for in the home.

2. A **Group Day Care** means a facility providing child day care for more than six (6) but fewer than twelve (12) children, with no more than six (6) children at one time being less than six (6) years of age. [Ordinance 3755, 12/10/90]

Day Care Center, Adult: Any private agency, institution, establishment or place which provides supplemental care and/or educational work, other than lodging overnight, for six (6) or more unrelated individuals.

Deck: A non-enclosed platform structure without a solid floor system and without a roof. Said platform will be comprised of a permeable plank or board system for the flooring. For decks located in the front yard, if a wall is built, it will be comprised of a non-solid spindle or board design with openings between boards to provide that no more than sixty (60) percent of the wall area is enclosed. For decks not located in the front yard, if a solid wall is built, it shall not extend more than forty-two (42) inches above the floor of the deck. Structures not meeting the definition of a deck shall be considered an unenclosed porch or an addition, and shall meet

the requirements as such. [Ordinance 4386, 10/18/99]

Delayed Deposit Service Use: Any individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity that, for a fee, accepts a check dated subsequent to the date it was written or accepts a check dated on the date it was written and holds the check for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, whether express or implied. The purposes of this chapter, "check" means a check, draft, share draft, or other instrument for the payment of money. Such uses are also known as payday lenders.

Department of Natural Resources (DNR): Where found in the Ordinance pertaining to flood management, this shall mean the Iowa Department of Natural Resources (IDNR), the State agency that has underlying flood plain permit authority for the State of Iowa. [Ordinance 3487, 6/15/87] [Ordinance 5049, 6/20/11]

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

Drive-In Establishment: See Restaurant.

Dwelling: Any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, mobile home, recreational vehicle, or similar motor vehicle.

Dwelling, Multiple: A residence designed for or occupied by three (3) or more families, with separate bathroom or cooking facilities for each.

Dwelling, Row: Any one of two or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Such dwellings shall be required to maintain a

compatible exterior appearance of both sides in terms of the colors and types of siding, roofing landscaping and other additions such as shutters, doors, and windows. Any minor changes shall be similar in design to the design of the adjoining dwelling unit. Furthermore, any type of damage or destruction to the dwelling unit, as a part or whole, which activates an insurance policy shall be first applied to the replacement, repair, and maintenance of the dwelling unit. All new structures or existing converted structures shall be required to meet all applicable codes and ordinances regarding building, fire, water and utility connections, subdivision, etc. [Ordinance 4618, 6/16/03] For the purposes of this Ordinance such individual unit on a separate lot shall not have to meet minimum bulk requirements, including lot area, lot width, lot frontage, dwelling width, and side yard setback, however the overall row dwelling and total area for all lots to said row dwelling shall meet all minimum bulk requirements. [Ordinance 5288, 06/15/15]

Dwelling, Single-Family: A detached residence designed for or occupied by one family only.

Dwelling, Two-Family: A residence designed for or occupied by two (2) families only, with separate bathroom or cooking facilities for each. All residences must meet building and zoning regulations for proper design, separation, density, parking, etc. for the number of dwelling units, including residences that are converted to add additional units.

Dwelling Units: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom or kitchen facilities.

Existing Construction: For floodplain regulation only, any structure for which the "start of construction" commenced before 07/03/85, the effective date of the first floodplain management regulations adopted by

the City of Waterloo. May also be referred to as “existing structure”. [Ordinance 5049, 6/20/11]

Factory-Built Home Park or Subdivision: A parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale. [Ordinance 3487, 6/15/87] Any such development that will classify the structures as non-real estate will require a Special Permit, as a mobile home park or subdivision. [Ordinance 5049, 6/20/11]

Factory-Built Housing: A factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consists of three (3) types: modular homes, mobile homes, and manufactured homes.

Factory-Built Structure: Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance, including floodplain management, factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. [Ordinance 5049, 6/20/11]

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) persons. This provision shall not restrict children under foster care or exchange students.

Family Home: Family home providing care for the mentally or physically dependent under Iowa Code Chapter 135C or as a child foster care facility under Iowa Code Chapter 237 to provide room and board, personal care, rehabilitation services, and supervision within a family home for not more than eight (8) mentally or physically dependent individuals. [Ordinance 3959, 7/26/93] [Ordinance

4554, 6/3/02] Family Home shall also refer to homes for other individuals protected by the Fair Housing Amendments Act.

Farm: An area comprising thirty-five (35) acres or more which is used for the growing of usual farm products, such as vegetables, fruits, and grain and their storing on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term “farming” includes the operation of such area for uses for treating or storing the food produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals.

Farm, Hobby: See Urban Animal Hobby Farm (UAHF). [Ordinance 5417, 8/28/17]

Farm House: A house located on land operated as a farm which is, or will be, occupied by a person engaged in agriculture on that same unit.

Fast Food: See Restaurant.

Feed Lot: Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, or sheep. After January 1, 2018 no new feed lot shall be established, and no existing feed lot shall be expanded in area, except those meeting Urban Animal Hobby Farm (UAHF) requirements. [Ordinance 5417, 8/28/17]

Fence, Non-Residential: A barrier and/or structure erected accessory to a non-residential use and not located in an “R” District intended to provide security, mark a boundary or a means of landscaping with no portion of fence extending onto adjacent property or right-of-way. No such fence shall be constructed of salvaged material or use barbed wire, concertina wire, or similar wire closer than six (6) feet to the ground except a fence used purely for agricultural purposes. [Ordinance 4508, 9/4/01]

Fence, Residential: A barrier and/or structure erected accessory to a residential use or in an "R" District intended to provide security, mark a boundary, or as a means of landscaping with no portion of fence extending onto adjacent property or right-of-way. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, chain link, but shall not include corrugated sheet metal, slats, tarp, cloth, mesh or similar coverings, barbed wire, concertina wire or similar wire, salvage material, or electrified. [Ordinance 4508, 9/4/01] [Ordinance 5395, 04/10/17]

Flood: A temporary rise in the channel flow or stage that results in overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source that results in water overflowing and inundating normally dry lands adjacent to the channel. [Ordinance 3393, 6/10/85]

Flood Elevation Determinations: A determination of the water surface elevations of the 100 Year Flood; that is, the level of flooding that has a one percent (1%) chance of occurrence in any given year.

Flood Insurance Rate Map (FIRM): The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zone applicable to the community. [Ordinance 3393, 6/10/85]

Flood Insurance Study (FIS): A study initiated, funded and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards, providing the City with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates. [Ordinance 3393, 6/10/85]

Flood Plain: The relatively flat area of low lands adjoining the channel of a river, stream, or watercourse which has been or may be covered by floodwater.

Flood Plain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works and flood plain management regulations.

Flood Protection System: Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

Flood Proofing: Any combination of structural and non-structural additions changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows associated with the Regulatory Flood, so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities. [Ordinance 3393, 6/10/85]

Floodway Fringe: The land adjacent to a body of water between the Floodway and the outer (landward) limits of the flood as defined by the Regulatory Flood as delineated on the official flood plain zoning map. [Ordinance 3393, 6/10/85]

Floor Area: Is the area included within the surrounding exterior walls of building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.

Floor Space: As to adult uses and alcohol sales uses for which this Ordinance imposes a limitation on allowable floor space dedicated to such uses, the percentage of floor space so used shall be determined by a fraction, the numerator of which is the total square footage of interior retail floor space occupied by free-standing adult materials or alcohol products and by shelving, counters and other displays on which such adult materials and alcohol products are stored, stacked, arranged, displayed or otherwise advertised for sale or available for rental or purchase, and the denominator is the total square footage of interior retail floor space in the establishment. No area that is not within an enclosed structure shall be included in determining retail floor space. Retail floor space includes enclosed display cases. The numerator shall include one-half of the open floor space between shelving, counters, cases and other displays, and all floor space lying beneath and within the outer edges of any shelving, counter, case or other display, regardless of the actual floor space that is physically occupied.

Foster Child Care: Care and education of not more than five (5) children unrelated to the residents by blood or adoption.

Freestanding Commercial Parking Lot: A parking area that is the principal permitted use of a property and is not primarily accessory to any other principal permitted use. [Ordinance 5288, 06/15/15]

Front Lot Line: The narrowest dimension of the lot lines abutting a street, or the lot line that the principal structure faces if no lot line abuts a street, public or private. For double frontage lots, the front lot line shall be the street lot line that the principal structure faces or is addressed from.

Gaming Facility: A facility for the use of gaming, pari-mutuel gaming, gambling, and/or the entertainment through use of games, including but not limited to, poker, roulette, slot machines, blackjack, and other games of chance, etc. This definition shall include those gaming facilities both licensed by the State of Iowa Racing & Gaming Commission and other gaming facilities which may not be licensed by the State of Iowa Racing & Gaming Commission. [Ordinance 4735, 10/18/04]

Garage, Private: An enclosed structure intended for and used for the parking of the private motor vehicles of the families resident upon the premises. For the purposes of this Ordinance, a garage attached to a principal structure shall be considered as part of the principal structure and subject to all yard requirements contained herein.

Gas Stations: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, anti-freeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacement to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring and frame repairs, major overhauling of engines, requiring the removal of engine cylinder head or crankcase pan, repairs to radiators requiring the removal thereof, or complete recapping or retreading of tires.

Group Home: A facility that is not regulated under Chapters 135C or 237 of the Iowa Code or other state law and which, regardless of size, provides living arrangements with shared use of kitchen and/or bathrooms for

individuals not related to the owner, tenant or administrator within the third degree by blood, marriage or adoption and who either are (a) receiving frequently recurring personal assistance and/or daily-living activities from home or community-based services because they are unable to adequately or properly care for themselves by reason of physical or mental disability, illness or disease, (b) in need of temporary housing due to abuse, homelessness or emergency need or (c) a group of people who do not meet the definition of family under this Ordinance but who occupy a single dwelling unit as a single housekeeping unit. A group home shall also include substance abuse facilities and juvenile centers, but does not include a bed and breakfast, boarding or lodging house, rooming house, or halfway (rehabilitation) house, as such terms may be defined in this Ordinance. A group home may be one of the following types:

1. ***Voluntary supervised.*** This group home is occupied by individuals not placed therein involuntarily and shall be supervised 24 hours a day, 7 days a week, and the organization needs to demonstrate funding for such supervisory personnel. [Ordinance 4554, 6/3/02]
2. ***Voluntary unsupervised.*** This group home is occupied by individuals not placed therein involuntarily and lacks 24-hour supervision. [Ordinance 4554, 6/3/02]
3. ***Involuntary supervised.*** This group home shall be supervised 24 hours a day, 7 days a week, and the organization needs to demonstrate funding for such supervisory personnel. For this definition, "involuntary" means that someone in a position of legal authority has sent the individual(s) to the group home. [Ordinance 4554, 6/3/02]

Habitable Floor: Any floor used for living, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "habitable floor."

Halfway (Rehabilitation) House: An establishment for adolescents convicted as adults or adults who are serving a deferred judgment, are in a pre-trial status, or have been institutionalized or jailed for various reasons and released to a facility that provides shelter, supervision and short-term rehabilitative services; usually not licensed by state or local agency but may be subject to provisions of local building and health codes. Facility usually sponsored by health or welfare agency, or sectarian organization. [Ordinance 4554, 6/3/02]

Health/Sport Clubs: A non-medical service establishment intended to maintain or improve the physical condition of persons. Contains exercise facilities, game equipment, steam baths, saunas, tanning equipment and/or similar facilities.

Historic Structure: [Ordinance 4125, 9/11/95]

Any structure that is:

1. Listed individually in the National Historic Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on the State Inventory of Historic Places;
4. Individually listed on the local inventory of historic places.

Home Occupation: A home occupation is an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one or more persons, all of whom reside within the dwelling unit and where no persons living outside the home are employed other than resident and domestic help. The use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. There shall be no outside storage of any kind; and any indoor storage, construction, alterations, or electrical or mechanical equipment used shall not change the fire rating of the structure of the fire district in which the structure is located. The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. It shall not cause an increase in the use of one or more utilities (water, sewer, electricity, telephone, or garbage) so that the combined total use of dwelling and home occupation purposes of the one or more utilities exceeds the average for residences in the neighborhood. When a use is a home occupation, it means that the owner, lessee, or other persons who have a legal right to the use of the dwelling unit also have the vested right to conduct the home occupation without securing special permission to do so. However, such person shall be subject to all conditions, which are applied in this Ordinance generally, such as off-street parking, and to all other permits required under the City code, such as Building Permits and Business Licenses.

Hotel: A building containing twenty (20) or more individual sleeping rooms or suites having each a private bathroom attached thereto for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals ex-

cluding accommodation for employees and in which ingress and egress to and from all rooms is made through an inside office or lobby supervised by a person in charge at all hours. Where a hotel is permitted as principal use, all uses customarily and historically an accessory thereto for the comfort, accommodation and entertainment of the patron, including the service of alcoholic beverages shall be permitted. [Ordinance 3050, 11/1/79]

Impound Lot: See Recycling, Junk or Salvage Yard. [Ordinance 5426, 11/20/17]

Junk Vehicle, Salvage Vehicle: A motor vehicle or other vehicle, or portion thereof not in running condition or not licensed for the current year as provided by law. No junk vehicle shall be kept, stored, or otherwise located anywhere except in an enclosed building or in an approved and licensed recycling, junk or salvage yard, except as provided in City Code Section 4-4-7. [Ordinance 5288, 06/15/15]

Junk Yard: See Recycling, Junk or Salvage Yard

Juvenile Center: See Group Home (Supervised or Unsupervised) [Ordinance 4554, 6/3/02]

Juvenile Detention Center: See Halfway (Rehabilitation) House [Ordinance 4554, 6/3/02]

Kennel: Any building or lot on which five (5) or more dogs or five (5) or more cats six (6) months old or older are housed, bred, boarded, trained, groomed or sold. This would allow for up to 4 dogs and up to 4 cats in a residential setting.

Kennel, Boarding: A place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed and watered in return for a consideration.

Lot: For the purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards

and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance; and further provided that any lots created after January 1, 1978 shall be done so in conformance with the Waterloo Subdivision Ordinance and Chapter 409 of the Code of Iowa. A lot may also be referred to as a property.

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

Lot Depth: The mean horizontal distance between the front and rear lot lines. In the case of a corner lot, the lot depth is the greater of the mean horizontal distances between the front lot lines and the respective side lot line opposite each.

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

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

Lot Lines: The property lines bounding a lot. For property along a public street dedicated by easement, for Zoning purposes the street right-of-way line shall be considered the lot line. In all districts, lot area and setback requirements shall be computed exclusive of any public street right-of-way, including right-of-way established by easement. [Ordinance 5288, 06/15/15]

Lot of Record: A lot which is a part of a subdivision recorded in the Office of the County Recorder of Black Hawk County prior to February 3, 1969, or a lot or parcel described by metes and bounds prior to Febru-

ary 3, 1969, the description of which has been so recorded.

Lot, Reversed Frontage: A corner lot, whose frontage is considered along the longer dimension street frontage.

Lot Width: The width of a lot measured at the required building line and at right angles to its depth.

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

1. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 10-22-3(B)(13); and,
2. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area and located at least one (1) foot above the 100-year flood level; and
4. The enclosed area is not a "basement" or "cellar" as defined in this Section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above. [Ordinance 3487, 6/15/87]

Main Body: Is the area included within the surrounding exterior walls of the dwelling. Used for living, sleeping, eating, cooking, recreation or a combination thereof.

Manufactured Home: A factory-built single-family structure, which is manufactured

or constructed under the authority of 42 U.S.C. Sec 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, unless it has been converted to real property and is taxed as a site-built dwelling. For the purposes of these regulations, a manufactured home built after June 15, 1976, shall bear the seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974. For the purpose of these regulations, manufactured homes shall be subject to the same standards as site-built dwellings.

Mean Sea Level: Where found in the Ordinance pertaining to flood management, this shall mean National Geodetic Datum. [Ordinance 3487, 6/15/87]

Mini-storage: The commercial rental of multiple storage spaces on a single site. Such developments generally have multiple exterior doors for separate entrance to individual rental spaces. [Ordinance 4683, 4/12/04]

Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation

provided. Nothing in this Ordinance shall be construed as permitting a mobile home in other than an approved location, as specified in this Ordinance (see Section 10-27-1(M)). A mobile home shall not be used as an accessory structure. Where found in this Ordinance pertaining to flood management, this shall also mean factory-built homes. [Ordinance 3487, 6/15/87]

Mobile Home Parks or Subdivisions: Any lot or portion of a lot upon which two (2) or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless whether or not a charge is made for such accommodation. Where found in the Ordinance pertaining to flood management, this shall also mean factory-built home parks or subdivisions. [Ordinance 3487, 6/15/87] The location or development of a mobile home park or subdivision shall only be permitted upon the issuance of a Special Permit by the Board of Adjustment after review by the Commission. This shall also include a factory-built home park or subdivision if the structures are not classified as real estate.

Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. For the purposes of these regulations, once certified by the State, modular homes shall be subject to the same standards as site-built dwellings.

Motel: A building or group of buildings which: (a) contains living or sleeping accommodations and (b) has individual entrances from outside the building to serve each living or sleeping unit. Where a motel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patron, including the service of alcoholic beverages shall be permitted. [Ordinance 3050, 11/1/79] [Ordinance 4592, 1/6/03]

New Construction (new buildings, new factory-built home parks): For floodplain management purposes only, those structures or development for which the start of con-

struction commenced on or after July 3, 1985. [Ordinance 3393, 6/10/85] [Ordinance 5049, 6/20/11]

Non-Conforming Use: Any building or land lawfully occupied by use as of the adoption of any zoning ordinance or amendment thereto which does not conform after the adoption of said ordinance or amendment with the regulations of the district in which it is situated. (Improvements constructed after the adoption of a zoning ordinance or amendment thereto which do not meet required parking and loading regulations, height regulations, area regulations and residential flood area regulations for the district in which they are located are not non-conforming uses as defined above.) The date on which a lot, structure, use of land and structure, or characteristics of use became or becomes non-conforming is referred to in this Ordinance as the "date of non-conformity."

Nursing or Convalescent Home: A building or structure having accommodation and where care is provided for invalid, infirm, aged, convalescent, physically disabled, or injured persons, not including insane and other mental cases, inebriate, or contagious cases.

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste refuse, fill or other analogous structure or matter in, along, across or projecting into any floodway which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

Official Flood Plain Zoning Map: The maps on file with City of Waterloo that indicate those portions of land known as the Floodway, Floodway Fringe, General Flood

Plain and Shallow Flooding which are subject to the regulations of this Ordinance. [Ordinance 3393, 6/10/85]

One Hundred (100) Year Flood: A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years. [Ordinance 5049, 6/20/11]

Overlay District: A district which acts in conjunction with the underlying zoning district or districts.

Parking Lot, Off-Street: A parcel of land devoted to unenclosed parking spaces for more than five (5) vehicles, plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

Parking Space: An area of not less than one hundred sixty-two (162) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

Pawnbroker Use: Any person, partnership, corporation, company or other entity that is subject to licensure as a pawnbroker under Title 3 of the code of ordinances.

Pharmacy: A retail establishment in which prescription drugs and medicines are compounded and/or sold by a licensed pharmacist.

Planned Unit Development: A tract of land planned and developed as an integrated unit under single ownership or control. Control in this context may, in addition to single ownership, be vested in partnerships, corporations, syndicates or trusts comprised of owners of separate and contiguous tracts of land who join together in a good and sufficient agreement for the purposes of developing their respective properties according to one integrated plan.

Porch, Unenclosed: A roofed projection which has no more than sixty (60) percent of each outside wall area enclosed by a building or siding material other than meshed screens.

If said unenclosed porch extends over a required front or rear setback as provided herein then the outside wall shall be a non-solid wall utilizing a spindle or board design with openings between boards to provide that no more than sixty (60) percent of the wall area is enclosed, or a solid wall when extending not more than forty-two (42) inches above the floor of the porch.

Principal Permitted Use: The main use of land or structures, as distinguished from a secondary or accessory use, or Special Permit use.

Protected Uses: Protected uses include a building in which a majority of floor space is used for residential purposes; a property located within a residentially zoned district; a day care center where such day care center is a principal use; a preschool; an elementary, middle or high school (public, private or parochial); a house of worship; a mission; a public library; a museum or cultural arts center or facility; a public park; a publicly owned or operated recreation center or athletic facility; a privately operated recreational use; a civic/convention center; a community residential facility; a hospital; a dental, medical or mental health facility; a building or office operated by any governmental entity. However, this definition shall not apply if the protected use is a legal non-conforming use. Whether a given use is a protected use as defined herein shall be determined by the city planner in his reasonable discretion.

Public Utility: Public or quasi-public distributing or operating equipment for related services for telephone, cable television, electricity, gas, sewer and water, and other essential commodities or services such as transportation or communication. This includes privately owned structures and equipment when used to provide an essential commodity or service to the public.

Rear Lot Line: Ordinarily that line of a lot which is opposite and farthest from the front lot line. In triangular or other odd-shaped lots the rear lot lines shall be determined by the City Planner or designee.

Recreational Vehicle: [Ordinance 4125, 9/11/95]

A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection (this provision is for floodplain management purposes only); [Ordinance 5049, 6/20/11]
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Recycling, Junk or Salvage Yard: Any place where materials that would otherwise be considered waste, are collected, separated, or processed to be used as raw materials. Materials would include, but not be limited to: scrap iron or other metals, motor vehicles not in running condition and not being actively restored to running condition, parts of vehicles, plastic bottles or containers, rags, paper cardboard, glass and tires. [Ordinance 3864, 6/3/92] This would also include any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials as part of manufacturing operations, and not including

contractors storage yards, and not including rubble fill deposited on property in compliance with 4-3B of the Code of Ordinances. For the purpose of this Ordinance, the term “actively restored to running condition” in other than a recycling, junk or salvage yard shall mean if within the last thirty (30) days the owner of the business or premises on which the vehicle is located has spent at least ten (10) hours of labor in the repairing, rebuilding or reconstruction of the motor vehicle. The burden shall be on the owner to prove that it is being actively restored which may include receipts for the purchase of parts and supplies during the last thirty (30) days which have been installed in the vehicle. This exception for motor vehicles being actively restored shall not extend to vehicles from which parts are being taken to restore another vehicle. Parts being used in the restoration of a motor vehicle must be stored in an enclosed building while restoration work is not taking place. For the purposes of this Ordinance, the term “recycling yard” shall include a “junk yard”, “salvage yard”, or “auto salvage yard”. Impound yards to which vehicles are taken for temporary or long term storage until control of vehicle can be returned to the owner, or the vehicles are recycled or auctioned off shall be considered recycling, junk or salvage yards. [Ordinance 5426, 11/20/17]

Regulatory Flood: A flood which is representative of large floods known to have occurred generally in the area and reasonable characteristic of what can be expected to occur in a particular stream. The regulatory flood has a frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region. Impound yards to which vehicles are taken for temporary or long term storage until control of vehicle can be returned to the owner, or the vehicles are recycled or auctioned off shall be considered recycling, junk or salvage yards. [Ordinance 5426, 11/20/17]

Regulatory Flood Protection Elevation: The elevation to which uses regulated by this Ordinance are required to be elevated or floodproofed.

Restaurants:

1. **Drive-In Establishment:** An establishment which by design or physical facilities or by service or packaging procedures, encourages or permits customers to receive or obtain a product which may be used or consumed in an automobile on the premises or to be entertained while remaining in an automobile. This term does not include sidewalk or patio cafes where service is provided to tables only.
2. **Fast Casual Type:** Where customers are normally served at the same table or counter at which items are consumed but customers are served with disposable dishes and cutlery which are expected to be disposed of by the customer.
3. **Fast Food Type:** Where customers are normally served their food or beverages in disposable containers for consumption on the premises or within a motor vehicle.
4. **Standard Type:** Where customers are normally provided with an individual menu and are served their food or beverages by a restaurant employee at the same table or counter at which said items are consumed.

Rooming House: A building where a room or rooms are provided for compensation to three (3) or more persons.

Rubble Disposal Site or Rubble Fill Site: The premises where rubble fill is placed, set down or deposited for the purpose of, or which has the result or effect of changing the existing contour or raising the elevation of

said land with 25 cubic yards or more of fill. A fill site is also where the owner/operator advertises "fill wanted" regardless of the volume. Temporary above-ground storage during construction and rubble fill in conjunction with an approved development plan would not be considered a rubble disposal site or rubble fill site. [Ordinance 3590, 10/17/88]

Rubble Fill: Material or refuse such as dirt, rock, stone, brick or similar inorganic material. [Ordinance 3590, 10/17/88]

Salvage Yard: See Recycling, Junk or Salvage Yard.

Screen: A wall or fence or area of planting that provides an effective visual barrier. For a single row the screen shall consist of Spruce, Firs, or Pines spaced at a maximum spacing of 15 feet or a double staggered row of Spruce, Firs, or Pine spaced at a maximum spacing of 20 feet within each row; for Arborvitae and Juniper the spacing shall be a double staggered row with maximum spacing of 10 feet within each row, or a single row with maximum spacing of 6 feet. In the case of a wall or fence, it shall be solid with a minimum height of six (6) feet; in the case of plantings, the minimum height shall be four (4) feet at the time of planting. Alternative plantings and spacings may be approved by the City Planner or designee and still constitute a screen.

Setback: The minimum distance between the lot line and the foundation of a building or any projection thereof, excluding the projection of the usual steps, overhanging balconies or other ordinary projections in accordance with 10-27-1(F) or and unenclosed porches and decks in accordance with 10-27-1(G) and other necessary approaches to the building.

Setback, Average: Averaging the setback distance of one or more existing structures to modify the required setback as stated in the yard requirements for a particular district, as provided in Section 10-5-1(H).

Setback Line: A line which determines the minimum location of a building or structure with respect to any lot line based on the required setback.

Setback, Required: The setback as stated in the yard requirements for a particular district, except as modified by the average setback requirement or other requirement of this Ordinance. See also "Building Line".

Side Lot Lines: Any lot lines which meet the end of a front lot line.

Sign: Any structure or device designed or intended to convey information to the public in written or pictorial form for the purpose of bringing the subject thereof to the attention of the public. Flags displayed from flagpoles or staffs will not be considered to be signs. See Outdoor Advertising Signs and Billboards, Section 10-26-1. [Ordinance 4724, 9/20/04]

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, building, major landscape features, and the location of proposed utility lines.

Site Plan Amendment: A change in the site plan of any "planned" or site plan specific zoning district after the Council has approved the site plan. The R-P, C-Z, S-1, C-P, B-P and M-2,P District require Site Plan Amendment, which shall be approved as either a minor Site Plan Amendment or major Site Plan Amendment as provided in this Ordinance.

Special Flood Hazard Area: The land within a community subject to the "100-year flood". This land is identified as Zone A, AH, AO or AE on the Flood Insurance Rate map. [Ordinance 5049, 6/20/11]

Special Permit: A use allowed in any district, where permitted by this Ordinance, after a public hearing by the Board of Adjustment and recommendation of the Commission, that meets the necessary conditions and

safeguards for its operation, including a public or private use which possesses unique characteristics that may affect the community or surrounding area, and therefore deserves special consideration and permission before being established. Such use may also be referred to as a "special exception," "use exception" or "conditional use". [Ordinance 4735, 10/18/04]

Stable, Private: A building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

Stable, Public and Riding Academy: A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instructions may be given in connection with a public stable or riding academy.

Stable, Riding Club: A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.

Start of Construction: Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, occurs within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main

structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building. [Ordinance 5049, 6/20/11]

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.

Street Line: The right-of-way line of a street.

Street, Private: Any private way, which has not been dedicated to the public or deeded to the City for street purposes and has been approved by the City Council after recommendation by the Commission and City Engineer.

Street, Public: Any thoroughfare or public way which has been dedicated to the public or deeded to the City for street purposes and which has been approved by the City Council after recommendation by the Commission and the City Engineer.

Strip Development or Strip Mall: Any commercial development, including professional office, where multiple uses or units are designed and erected as individual buildings attached in a continuous row. Any type of damage or destruction to the structure, as a part or whole, which activates an insurance policy shall be first applied to the replacement, repair, and maintenance of the structure. Such structures shall be permitted in any Zoning District where the proposed use or uses are a permitted use. In addition, the uses or units within the overall structure shall be permitted on separate lots with diverse ownership when separated from one another by an approved wall or walls, and shall not

be required to meet the side yard setback requirements of the district in which it is located where the structure abuts another use or unit. All new structures or existing converted structures on separate lots with diverse ownership shall be required to meet all applicable codes and ordinances regarding building, fire, water and utility connections, drainage, subdivision, etc., and shall provide permanent cross easements for access, parking, and utilities and permanent maintenance agreements for shared infrastructure, such as the parking and vehicular use areas, storm water detention, utility connections, etc. [Ordinance 4774, 06/06/05]

Structural Alterations: Any replacement or changes in the types of construction or in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, beyond ordinary repairs and maintenance.

Structure: Anything constructed or erected including, but not limited to, buildings, mobile homes, factory built homes, fences, billboards and signs. [Ordinance 4725, 09/20/04]

Structure, Height of: The vertical distance from the average grade to the highest point. See "Building, Height of" for buildings.

Structure, Principal: The main or primary structure on a lot used or intended for use for a principal use. This shall not prohibit more than one principal structure on a lot if all other requirements of this Ordinance are met.

Substance Abuse Facility: See Group Home (Supervised or Unsupervised) [Ordinance 4554, 6/3/02]

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50% of the market value of the structure before the damage occurred. [Ordinance 3810, 8/19/91]

Substantial Improvement: Any improvement to a structure which satisfies ei-

ther of the following criteria: 1.) Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the start of construction of the improvement, or (b) if the structure has been substantially damaged and is being restored, before the damage occurred. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions or (2) any alteration will not preclude the structure's continued designation as a "historical structure." [Ordinance 3810, 8/19/91] 2.) Any addition that increases the original floor area of a building by 25 percent or more. All additions constructed after July 3, 1985 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent. [Ordinance 5049, 6/20/11]

Trailer: See "Mobile Home."

Trailer Park: See "Mobile Home Park."

Urban Animal Hobby Farm (UAHF): A small gathering of farm animals kept for commercial production and sale, family food or byproduct production, and/or educational or recreational purposes, but not as a primary source of income. Animals not allowed as part of a UAHF include swing (including pot belly pigs), camels, roosters, guinea, falcon, or any exotic animals as determined in the reasonable discretion of the City Planner or designee. Horses shall not be regulated as part of a UAHF. [Ordinance 5417, 8/28/17]

Used Car Lot: A designated location wherein proper and adequate facilities shall be maintained for displaying, reconditioning and repairing any motor vehicle of a type subject to registration under the laws of the State of Iowa.

Use, Principal: The main or primary purpose for which a building, structure or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this Ordinance.

Variance: A device which grants a property owner relief from certain provisions of this Ordinance which the Board of Adjustment is permitted to grant in cases where strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the Variance is sought.

Vehicle: Any device in, upon or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include, without limitation, a motor vehicle, automobile, truck, trailer, motorcycle or any combination thereof.

Violation: The failure of a use, structure, or other development to be fully compliant with the terms of this Ordinance, as may be amended or modified.

Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure except as provided herein. In measuring a yard for the purpose of determining the depth of a front, side, or rear yard, the least distance between the lot line and the foundation of a principal building shall be used.

Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation of a principal building or any projection thereof, other than the projection of the usual steps, overhanging balconies other ordinary projections in accordance with 10-27-1(F) or unenclosed porches and decks in accordance with 10-27-1(G).

Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the foundation of a prin-

cipal building or any projections thereof, other than the projection of the usual steps, overhanging balconies, other ordinary projections in accordance with 10-27-1(F) or unenclosed porches and decks in accordance with 10-27-1(G). On both corner lots and interior lots the rear yard shall be the opposite end of the lot from the front yard.

Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the foundation of a principal building or any projection thereof, other than the projection of the usual steps, overhanging balconies or other ordinary projections in accordance with 10-27-1(F).

Zero Lot Line: A development approach in which a building is situated on one or more lot lines with no yard.

CHAPTER 4 DISTRICT AND BOUNDARIES

[Ordinance 3393, 6/10/85]

10-4-1 CLASSIFICATION OF DISTRICTS.

In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the City of Waterloo, Iowa, is hereby divided into sixteen (16) classes of districts. [Ordinance 4709, 8/9/04] The use, height and area regulations are uniform in each class of district, and said districts shall be known as:

"A-1"	Agricultural District
"R-R"	Rural Residence District
"R-1"	One and Two Family Residence District
"R-2"	One and Two Family Residence District
"R-3"	Multiple Residence District
"R-4"	Multiple Residence District
"R-P"	Planned Residence District
"C-Z"	Conditional Zoning District
"S-1"	Shopping Center District
"C-1"	Neighborhood Commercial District
"C-2"	Commercial District
"C-P"	Planned Commercial District
"B-P"	Business Park District
"C-3"	Central Business District
"M-1"	Light Industrial District
"M-2"	Heavy Industrial District
"M-2,P"	Planned Industrial District

The "R-P" District is in conjunction with other Residential Districts, i.e., R-1,R-P; R-2,R-P; R-3,R-P; and R-4,R-P. The "C-Z" District is in conjunction with other Districts, i.e., R-1,C-Z; R-2,C-Z; R-3,C-Z; R-4,C-Z; C-1,C-Z; C-2,C-Z; and M-1,C-Z.

10-4-2 CLASSIFICATION OF FLOOD PLAIN OVERLAY DISTRICTS.

[Ordinance 3393, 6/10/85]

In order to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings within established flood prone areas, the City of Waterloo, Iowa is hereby divided into four (4) classes of flood plain "overlay" districts. The use, height and area regulations are uniform in each class of said district, and the districts shall be known as:

"F-W" Floodway (Overlay) District

"F-F"	Floodway Fringe (Overlay) District
"F-P"	General Flood Plain (Overlay) District
"S-F"	Shallow Flood (Overlay) District

10-4-3 FINDING OF FACT.

[Ordinance 3487, 6/15/87]

- A. The flood hazard areas of Waterloo are subject to periodic inundation which can result in loss of life and property and health; and, safety hazards, disruption or commerce and governmental services, extra ordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the health, safety, and general welfare of the community.
- B. These losses, hazards and related adverse effects are caused by (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding (ii) the cumulative effect of flood plain construction in flood flows, which causes increases in flood heights and flood water velocities.
- C. This Ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

10-4-4 DISTRICT BOUNDARIES AND OFFICIAL ZONING MAPS.

[Ordinance 3393, 6/10/85]

With the exception of the Flood Plain (Overlay) Districts, the boundaries of these districts are indicated upon the Digital Official Zoning Map of the City of Waterloo, Iowa, which map is made a part of this Ordinance. Said Digital Official Zoning Map of the City of Waterloo, Iowa, and all the notations, references and other matters shown thereon shall be as much a part of this Ordinance as if the notations, references and other matters set forth by said map were all fully de-

scribed herein. Said Digital Official Zoning Map is on file in the office of the City Planner, at the City Hall of the City of Waterloo, Iowa, and shall bear the signature of the Mayor attested by City Clerk, under the certification that this is the official Zoning Map referred to in this Section of the Zoning Ordinance. The Digital Official Zoning Map shall show all amendments or changes and shall indicate the date of each amendment or change. It shall be the responsibility of the City Planner or designee to see that the Zoning Map is kept current at all times. [Ordinance 4795, 12/12/05]

10-4-5 ESTABLISHMENT OF OFFICIAL FLOOD PLAIN ZONING MAP.

[Ordinance 3393, 6/10/85]

The Flood Insurance Rate Map (FIRM) for Black Hawk County, City of Waterloo, Panels 19013C0158F, 0159F, 0166F, 0167F, 0168F, 0169F, 0180F, 0186F, 0187F, 0188F, 0189F, 0193F, 0194F, 0215F, 0281F, 0282F, 0283F, 0284F, 0291F, 0292F, 0301F, 0302F, 0303F, 0304F, 0306F, 0307F, 0308F, 0309F, 0311F, 0312F, 0316F, 0317F, dated July 18, 2011, which were prepared as part of the Flood Insurance Study for Black Hawk County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this Ordinance. [Ordinance 5049, 6/20/11]

10-4-6 PURPOSE OF FLOOD PLAIN (OVERLAY) DISTRICTS.

[Ordinance 3393, 6/10/85]

These Flood Plain (Overlay) Districts are to provide special regulations and restrictions to flood hazard areas in the City of Waterloo. It is the purpose of these flood plain provisions to promote the public health, safety and general welfare and to minimize public and private damages due to flooding in specific areas of the community. The basic purpose

and objectives of this Ordinance may also be identified by the following:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
5. To require uses vulnerable to floods to be protected against flood damage at the time of initial construction;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize flood blight areas;
7. To ensure potential buyers are notified that property may be in an area of special flood hazard and that those who occupy said area assume responsibility for their actions;
8. To reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially;
9. To assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.
10. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities. [Ordinance 5049, 6/20/11]

10-4-7 INTERPRETATION OF DISTRICT BOUNDARIES.

[Ordinance 3393, 6/10/85]

Where uncertainty exists with respect to the boundaries of the various districts, except for the Flood Plain (Overlay) Districts, as shown on the Official Zoning Map accompanying and made a part of this Ordinance, the following rules apply:

1. The district boundaries are either street center lines or alley center lines, unless otherwise shown. [Ordinance 3595, 11/7/88] Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks. Boundaries indicated as approximately following the centerlines of rivers, streams, creeks or other waterways shall be construed to follow such centerlines.
2. In unplatted property, the district boundary lines on the map accompanying and made a part of the Ordinance shall be determined by use of the scale appearing on the map.
3. Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Map. Said map or portion of said map need not be published.

10-4-8 FUTURE ANNEXATION OF TERRITORY.

All territory which may hereafter be annexed to the City of Waterloo, Iowa, shall automatically be classified as lying in the "A-1" Agricultural District until such classification shall have been changed by an amendment to the Zoning Ordinance, as provided by law.

10-4-9 RIGHT OF WAY VACATION.

[Ordinance 4709, 8/9/04]

Whenever any street, road, alley or other public right of way is vacated by official action of City Council, the zoning district(s) adjoining each side of such public right of way

shall be automatically extended to the center of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended districts. Where only portions of public right of ways are vacated then the zoning district(s) adjoining the vacated portion shall be automatically extended over the entire area.

CHAPTER 5 GENERAL REGULATIONS

[Ordinance 3174, 12/14/81]

10-5-1 GENERAL REGULATIONS.

A. Conformance Required.

Except as hereinafter specified in subsection 10-5-1(B), no building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this Ordinance or any amendment hereto, for the district in which the building or land is located.

B. Non-Conforming Uses of Land, Non-Conforming Structures, Non-Conforming Uses of Structures and Premises, and Non-Conforming Lots.

Intent. There exist lots, structures, uses of land and structures, and characteristics of use which constitute a non-conforming use as defined by this Ordinance, or will constitute a non-conforming use upon adoption of a future amendment hereto. It is the intent of this Ordinance to permit these non-conformities to continue, except as expressly provided elsewhere in this Ordinance, until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after the date of non-conformity by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses, or a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building in which actual construction was lawfully begun prior to the date of non-conformity amendment and upon which actual building construction has been carried on diligently, or upon which a building permit has been applied for or a development permit has been issued before the date of non-conformity and start of construction begins within one hundred eighty (180) days after issuance of the permit and is carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1. **Continuing Existing Uses.** The use of a building lawfully existing as of the date of non-conformity may be continued even though such use becomes non-conforming as of such date, but any use that is not an authorized non-conforming use shall be considered an illegal use and shall be treated as a violation of this Ordinance.
2. **Non-Conforming Lots of Record.** In any district in which single family dwellings are permitted, a single fami-

ly dwelling and customary accessory buildings may be erected on any single lot of record existing as of the date of adoption of Ordinance 2479, adopted 02/03/69, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

No portion of said lot shall be used or sold in a manner which diminishes compliance or increases non-compliance with lot width and area requirements established by this Ordinance, nor shall any division of any conforming lot be made which causes the lot width or area to be below the requirements stated in this Ordinance.

3. **Non-Conforming Uses of Land.** A use of land may be continued after the date of non-conformity so long as it remains otherwise lawful, provided:
 - a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 - b. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
 - c. If any such non-conforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land

- shall conform to the regulations specified by this Ordinance for the district in which such land is located;
- d. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
4. **Non-Conforming Structures.** Where a lawful structure exists as of the date of non-conformity that could not be built after the date of non-conformity under the terms of this Ordinance or an amendment hereto by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued after the date of non-conformity so long as it remains otherwise lawful, subject to the following provisions:
- a. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- b. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to the extent of more than fifty (50) percent of its fair market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. *[Ordinance 3393, 6/10/85]*
- c. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. **Non-Conforming Uses of Structures or of Structures and Premises in Combination.** If lawful use involving individual structures, or of structure and premises in combination, exists as of the date of non-conformity that would not be allowed after the date of non-conformity in the district under the terms of this Ordinance or an amendment hereto, the use may be continued after the date of non-conformity so long as it remains otherwise lawful, subject to the following provisions:
- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. The use of premises shall be governed by the requirements of 10-5-1(B)(3);
- b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of said Ordinance, but no such use shall be extended to occupy any land outside such building;
- c. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may, as a special exception, be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-

- conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance;
- d. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
 - e. Except for a non-conforming use that is an alcohol sales use or delayed deposit service use, when a non-conforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises), the structure or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
 - f. As to alcohol sales uses and delayed deposit service uses (each a "specially licensed use") only, when the use of a structure or structure and premises in combination is non-conforming because it is a specially licensed use, either solely for that reason or in combination with other reasons, and when the specially licensed use is discontinued or abandoned for three (3) consecutive months (except when government action impedes access to the premises), the structure or structure and premises in combination shall not thereafter be used as a specially licensed use except in conformity with the regulations of the district in which it is located. This paragraph shall apply equally to (i) the cessation of a business that is a specially licensed use, (ii) a business that holds a license or permit to operate as a specially licensed use but fails to continuously and actively operate as such, and (iii) a business that continues operating as a non-specially licensed use after its license or permit to sell, dispense, or provide goods or services of a type requiring special licensure, for any cause, lapses, is suspended or revoked, or otherwise fails to be or remain in effect.
 - g. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the fair market value at the time of destruction. [Ordinance 3393, 6/10/85]
 - h. *Structural Alterations and Enlargements.* As to any building in any district devoted to a use made non-conforming, after the date of non-conformity the building may not be structurally altered or enlarged unless such alteration or enlargement is approved by Variance as provided herein and is in conformity with the lot area, the lot frontage, yard, and height requirements of the District in which situated. Such structural alteration and enlargement shall be subject to the review and approval of the Board of Adjustment. In permitting such change, the Board of Adjustment may require appropriate

conditions and safeguards in accord with the provisions of this Ordinance. [Ordinance 3393, 6/10/85]

6. **Repairs and Maintenance.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7. **Uses Under Special Permit Provisions Not Non-Conforming Uses.** If an existing use is one that, by adoption of any zoning ordinance or amendment thereto, would be required to have a Special Permit (other than a change through Board of Ad-

justment action from a non-conforming use to another use not generally permitted in the district), then such use shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

C. **Fences.**

1. **Fences Accessory to a Residential Use or in an "R" District.** Residential fences or landscape features such as sculptures or walls may be erected or constructed with no portion extending onto adjacent property or right-of-way (except as approved by encroachment agreement). On interior lots, no such fence shall exceed eight (8) feet in height in the side or rear yard and four (4) feet in height in the front yard. [Ordinance 3993, 12/13/93] [Ordinance 4508, 9/4/01] [Ordinance 4656, 11/10/03]

On corner lots addressed and facing the narrow dimension street frontage, no such fence shall exceed four (4) feet in height in the front yard nor exceed eight (8) feet in height in the rear yard and along the street side adjoining the rear yard extending from the center of the house to the street lot line and back to the rear of the lot. [Ordinance 3993, 12/13/93] [Ordinance 4029, 7/18/94] [Ordinance 4656, 11/10/03]

On corner lots addressed and/or facing the longer dimension street frontage, no such fence shall exceed four (4) feet in height in the front yard nor exceed eight (8) feet in the rear yard and along the street side adjoining the rear yard, set back from the street a minimum of the setback between the house and the street. A fence along the street adjoining the rear yard extending closer to the street than the setback between the house and the street shall not exceed four (4) feet in

height, except that if the rear yard of the property in question is abutting the rear yard of an adjoining corner lot no such fence shall exceed eight (8) feet in height in the rear yard and along the street side adjoining the rear yard extending from the rear of the house to the street lot line and back to the rear of the lot.

A fence that is parallel and within three (3) feet of a side lot line, excluding a street lot line, may exceed four (4) feet in height in the front yard if a principal building on the lot abutting the side lot line extends past the established front yard of the property in question, but shall not exceed four (4) feet in height past the established front yard of a principal building on the lot abutting the side lot line, however, in no case shall said fence exceed eight (8) feet in height. A fence that is parallel with a front lot line that does not abut a street and is abutting the rear or side yard of an adjoining lot may exceed four (4) feet in height but shall not exceed eight (8) feet in height.

No solid fence shall be erected in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and eight (8) feet above the centerline grades within the triangular area in a yard bounded by a street (back of curb or back of roadway if no curb), a driveway or alley, and a line drawn between two (2) points each located twenty five (25) feet from the intersection of said driveway or alley line and the street. [Ordinance 3993, 12/13/93] [Ordinance 4656, 11/10/03]

2. **Fences Accessory to a Non-residential Use and Not Located in an "R" District.** Non-residential fences accessory to a non-residential use and not located in an "R" District

must be located with no portion extending onto adjacent property or right-of-way (except as approved by encroachment agreement) and cannot exceed eight (8) feet in height, except that said fence may be ten (10) feet in height if the fence or portion thereof above eight (8) feet is constructed of chain link or wire. No such fence shall be constructed of salvaged material. No such fence shall use barbed wire, concertina wire, or similar wire closer than six (6) feet to the ground, except a fence used purely for agricultural purposes. [Ordinance 4508, 9/4/01] [Ordinance 4656, 11/10/03]

All Fences. Walls extending above grade shall be regulated as a fence. Retaining walls shall not be regulated by this part, except that if a wall or fence is built on top of a retaining wall or within three (3) feet of the top of a retaining wall, the maximum height of the wall or fence shall include one half (1/2) the height of the retaining wall. This provision shall not preclude a fence required to meeting minimum building code. One half (1/2) the height of the retaining wall need not be included if the height of the wall or fence does not exceed the maximum height allowed above the original natural grade of the location that the wall or fence is erected.

D. **Home Occupations.**

1. **Purpose.** It is the intent of this chapter to eliminate as home occupations all uses except those that conform to the standards set forth in this chapter. Custom and tradition are intentionally excluded as criteria. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances would not be aware of its existence other than for a nameplate as permitted elsewhere in this Section. The standards for home occupations

in this Section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

2. **Necessary Conditions.** Home occupations are permitted accessory to a residential use only so long as all the following conditions are observed:

- a. Such occupation shall be conducted solely by resident occupants of the residence located on the property [*Ordinance 4855, 2/19/07*];
- b. No more than one room or twenty-five (25) percent of the gross area of one floor of said residence, whichever is less, shall be used for such purpose. Use of an accessory building for these purposes is allowed but shall be limited to one (1) accessory building with an area of said accessory building or portion thereof used for such occupation limited to three-fourths (3/4) of the area permitted for a residential accessory structure by Section 10-5-1(E) or three-fourths (3/4) the area of existing accessory structures in the case of legal non-conforming structures exceeding the size allowed by Section 10-5-1 [*Ordinance 4855, 2/19/07*];
- c. No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located;
- d. No home occupation shall cause an increase in the use of any one or more utilities (water, sewer,

electricity, telephone, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood;

- e. There shall be no outside storage of any kind related to the home occupation except for licensed and operable vehicles including one (1) semi but excluding a semi trailer, other trailers, or other equipment, regardless if licensed for highway use [*Ordinance 4855, 2/19/07*];
 - f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of said home occupation shall be met off the street and other than in a front yard;
 - g. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually in question under normal circumstances wherein no home occupation exists;
 - h. No retail sales or displays for retail sales are permitted.
3. **Nameplate Allowed.** Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the occupation (i.e. John Jones, Realtor). It shall not exceed two (2) square feet in area, shall be non-illuminated, and attached flat to the main structure or visible through a window. The limitation to one nameplate is intended to apply to all lots, including corner lots. [*Ordinance 4855, 2/19/07*]

4. **Examples of Uses that Do Not Qualify as Home Occupations.** The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations: auto repair, minor or major; beauty shops with more than one chair; barber shops with more than one chair; massage parlors with more than one table; retail sales operations where transactions occur on the premises; carpentry work; dance instructions; dental offices; medical offices; painting of vehicles; repair and sale of trailers or boats; photo developing; photo studios; private schools with organized classes; radio, television or appliance repair; and upholstery. This list shall not be construed as being all-inclusive. [Ordinance 4855, 2/19/07]

5. **Day Cares.** Day care services shall be permitted provided the following conditions are met: [a. through g Ordinance 3755, 12/10/90]

- a. The day care service shall be at least six hundred (600) feet from an area designated by the Black Hawk County Health Department to be a health problem for children.
- b. If the day care property is located on a major or minor arterial or collector street as designated on the Waterloo Functional Classification System map, access to the day care property must be gained from a public alley or driveway that allows a vehicle to re-enter the street in a forward movement only.

- c. The day care service shall be in compliance with all state laws pertaining to child day care services.
- d. Where a day care provider's property is not accessible from a street defined in (b) above, the traffic generated by that day care service shall not impede traffic flow on any other street by reducing traffic movement below two moving lanes. (It is the responsibility of the day care to inform those using his/her day care services of this requirement.)

E. Accessory Structures.

No accessory structure shall be erected until after the Principal Permitted Use is erected and shall not be erected in any front yard, except for temporary or seasonal use accessory structures to a commercial use. Accessory structures shall be a distance of at least five (5) feet from alley lines; at least five (5) feet from lot lines of adjoining lots; and at least three (3) feet from the Principal Permitted Use on said lot, except that accessory structures in the rear sixty (60) percent of the lot may be erected three (3) feet from any interior lot line, and on corner lots they shall conform to the setback regulations for corner lots as provided in 10-5-1(F). Vehicles, trailers, cargo structures from vehicles or trailers, storage/moving or shipping containers, or mobile homes, or any other similar portable storage containers, regardless if it has wheels and chassis, shall not be used as an accessory structure. Said structures, excluding mobile homes, may be used for temporary storage but shall not be placed on a property for more than sixty (60) cumulative days in any given twelve-month period. Property owners may request a temporary storage container extension permit

from the City Planner prior to placement on the property or prior to exceeding the sixty (60) day limit. Approval of such extensions shall only be granted for special circumstances with compelling reason why additional time is needed. Special circumstances may include, but are not limited to: 1) large construction sites, 2) emergency repair, reconstruction or rehabilitation of structures, and 3) extraordinary events such as flooding, fire, explosion, wind storms, war, riot, or similar events. The use of such structures shall not be restricted when accessory and customarily incidental to Principal Permitted Use in the "M-1" or "M-2" Districts excluding any dwelling or residence. [Ordinance 3050, 11/1/79] [Ordinance 3102, 9/22/80] [Ordinance 5288, 06/15/15]

1. Residential Accessory Structures: Accessory structures, except stables, may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure, provided all yard and building code requirements for a principal building are complied with. After July 1, 2015, no single family dwelling shall be constructed or moved onto a property without a minimum of a fourteen (14) foot wide by twenty (20) foot deep accessory structure enclosed on four (4) sides, attached or detached, being constructed and maintained, and no two-family dwelling shall be constructed or moved onto a property without said minimum accessory structure for each unit or a single accessory structure a minimum of a twenty two (22) foot wide by twenty (20) foot deep. [Ordinance 5288, 06/15/15] Accessory structures attached or connected to the principal building shall not exceed

the square footage of the principle permitted use (not including decks or unenclosed porches, calculated based on the area of the base or "footprint" of the structure), however this provision shall not prohibit a five hundred seventy-six (576) square foot attached garage provided that all other requirements are met. Accessory structures that are not a part of the main building shall not exceed fifteen (15) feet in height with a less than two story Principal Permitted Use, and eighteen (18) feet in height for a two story or greater Principal Permitted Use. In conjunction with any one or two family residence, accessory structures that are not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not cover more than eight hundred fifty (850) square feet total. Said structures may exceed the eight hundred fifty (850) square feet total but shall not occupy more than six (6) percent of the lot on which said structures are located and in no case shall the total of said structures be larger than 1,800 square feet. Accessory structures (attached or detached) to a residential use shall not be constructed of metal materials for exterior siding, except for horizontal aluminum/steel siding common on many residential structures and except structures that are two hundred (200) square feet or less. Accessory structures that are not part of the main building shall not be constructed of metal materials for exterior roofing if the lowest point of the roof is closer than seven (7) feet from the adjacent grade, except structures that are two hundred (200)

square feet or less. Structures that are less than nine (9) square feet shall not be included in the accessory structure limit. Structures that are less than fifty (50) square feet but more than nine (9) square feet shall not be included in the accessory structure limit, however no one or two family residence shall have more than two (2) such structures excluded from the accessory structure limit. Accessory structures that are one hundred twenty (120) square feet or less and are eight feet in height or less shall not be required to meet setback requirements, however this provision shall not authorize accessory structures over any property line, platted building line, or easement. [Ordinance 5288, 06/15/15] Freestanding or attached metal-framed carports, or similar structures, shall be prohibited in conjunction to any residential use. [Ordinance 3050, 10/1/79] [Ordinance 3102, 9/22/80] [Ordinance 3645, 5/8/89] [Ordinance 4656, 11/10/03] [Ordinance 4725, 09/20/04] In conjunction with any multiple family residence (three or more dwelling units), accessory structures that are not a part of the main building shall not exceed a total size of more than five hundred seventy six (576) square feet in area per dwelling unit.

2. Commercial Accessory Structures: Commercial accessory structures shall be constructed only as accessory to a Principal Permitted Use on the lot, as allowed by the underlying zoning classification. Any such Principal Permitted Use must be in accordance with all applicable building codes, zoning, engineering, and other pertinent ordinances to be eligible for the

use (i.e. a residentially built home in a "C" or "M" District cannot construct or convert a commercial sized accessory structure, unless the residential building has been properly rehabilitated to meet all commercial building codes, parking requirements, etc. and is used for a commercial business). Nothing in this Section shall prohibit the erection of two Principal Permitted Uses on one lot, provided all pertinent codes and ordinances are met.

Commercial accessory structures shall not be limited in height, materials, or size, except as limited by other provisions for commercial sites, such as parking requirements, drainage, landscaping, etc., by this Ordinance. [Ordinance 4725, 09/20/04]

Fences shall be considered accessory structures but shall be regulated by Section 10-5-1(C). Signs shall be considered accessory structures but shall be regulated by Chapter 25. Other accessory structures such as flagpoles, swimming pools (including hot tubs and spas), swing sets/playground equipment, landscaping features such as arbors and fountains, and other similar structures shall not be regulated by this Section, except that swimming pools capable of holding water over twenty four (24) inches shall not be permitted in the front yard of a residential use. A deck that is attached to or within three (3) feet of a principal structure shall be considered to be part of the principal structure and subject to the regulations for a principal structure, except as provided in Section 10-27-1(G) and except that no setback shall be required between an attached deck and an accessory structure. Detached decks more than three (3) feet from a principal structure shall be regulated by this Section, except that one (1) detached deck of two hundred (200) square feet or less shall not be included in the

accessory structure size limit as calculated herein. Small wind energy facilities meeting the requirements of Section 10-27-1(T) shall be considered accessory structures but shall be regulated by Section 10-27-1(T). [Ordinance 4725, 09/20/04]

F. Corner Lots.

1. Narrow dimension street frontage for corner lots, whose frontage is street side with the narrow width of the lot, shall be required to meet the front yard requirement of this District on that narrow dimension with the rear yard being opposite of this. The longer dimension street frontage can then be reduced to one-half (1/2) the front yard requirement of the District.
2. Longer dimension street frontage for corner lots (reversed frontage lots), whose frontage is considered along the longer dimension street frontage, shall meet the front yard setback back requirements of the District it is located along the longer dimension street frontage as well as meeting the front and rear yard requirements along the narrow dimension frontage. The rear yard must be opposite the front yard along the narrow dimension. This Section does not require a rear yard to be met opposite the longer dimension street frontage.

G. Visibility at Intersections in Residential Districts.

On a corner lot in a residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in a triangular area bounded by the lot lines of such corner lots and a line drawn between two (2) points each located twenty (20) feet from the intersection of the lot lines on

the corner of the lot located at the intersection.

H. Front Yard.

For any residential use there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at either a greater or lesser setback, the minimum front yard setback shall be within ten (10) feet of the average of the abutting homes or closest thereto on either side, but shall not be less than the smaller setback used in the average calculation (if there is no home within two hundred 200 feet on one side, the minimum setback shall match the setback of the closest home within two hundred (200) feet on the other side). In computing the average setbacks, buildings located on another block or on a corner lot facing another street which the lot in question does not abut, or entirely on the rear sixty (60) percent of lots shall not be counted. Buildings or additions to buildings on a corner lot shall have a minimum setback match the closest home within two hundred (200) feet that is addressed and oriented toward the street frontage that the proposed building or addition will be or is addressed and oriented towards. The required setback as computed herein need not exceed fifty (50) feet in any case, however this shall not allow detached accessory structures in a front yard. [Ordinance 4537, 2/4/02] [Ordinance 4656, 11/10/03]

I. Required Yard Cannot be Reduced.

No lot or yard required by this Ordinance or existing as of the effective date of any zoning ordinance or amendment thereto shall be reduced in area so as to make any yard or any other open space less than the minimum required by the zoning ordinance in effect as of the date of proposed reduction in area. No part of a yard or other open space provided about any building or structure for the pur-

pose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this Ordinance.

J. Building Lines on Approved Plats.

Whenever the plat of a land subdivision on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback. This shall not include building lines along a street that has been vacated.

K. Building or Development Permits.

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which a building permit was applied for or issued, or for which a development permit was issued, before the date of non-conformity, the construction of which shall have been started within one hundred eighty (180) days after issuance of the permit and completion thereof carried on in a normal manner and not discontinued for more than a one hundred eighty (180) day period.

L. Zoning District Dividing Property.

Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each portion shall be used independently of the other in its respective zoning classifications, and for the purpose of applying the regulations of this Ordinance, each portion shall be considered as if in separate and different ownership. Alternatively, the entire parcel may be used as permitted by the regulations

applicable to the most restrictive zoning classification. However, nothing in this Subsection shall be construed as permitting new residential use of any property within any industrial district classification. [Ordinance 3486, 6/15/87]

M. Erection of More Than One (1) Principal Structure on a Lot.

In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot, except as provided for mobile home parks and multiple dwellings, including multiple dwelling condominium and row dwellings, as the ability to split into individual lots may not represent the highest and best layout and design due to shared ground, parking and access. Such developments shall not have to meet yard requirements as though each structure were on an individual lot provided that all other requirements of the Ordinance are met, including, but not limited to, minimum lot size for the entire development, screening, access, parking, and setbacks around the perimeter of the development. For one and two family residential structures, more than one (1) principal structure in a "R-1" or "R-2" Residence District may be erected on a single lot only upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission. Such application for Special Permit shall also include all of the required information for a preliminary plat, including showing how lots could be laid out so that each principal structure would meet the yard and other requirements of this Ordinance if it were on an individual lot. The Board of Adjustment may waive some or all of the required information for a preliminary plat if it is determined that the information is not needed to ensure that the request meets all requirements of the Ordinance. In reviewing the layout of multiple buildings, the Commission and Board of Adjustment shall

consider, but not be limited to, the following: impact on and compatibility with the neighborhood, including sight visibility and open space considerations, density, traffic movements, general characteristics such as orientation, lot size, building size and layout of the proposed development and neighboring properties, and necessary screening. [Ordinance 4855, 2/19/07] [Ordinance 4885, 10/15/07]

N. Conditional Zoning.

[Ordinance 2875, 4/11/77]

1. Conditional Zoning may apply only to those cases which propose changing the zoning from an "R" Classification to a "C" or "S" Classification, a "C" to an "M" Classification, and those changes that will occur within each individual "R", "C" or "M" groupings.
2. Whenever any application for a conditional zoning permit as an amendment to the Zoning Ordinance is submitted, it must be accompanied or supported by specific plans and design for the particular development or use. The following procedure shall be utilized to facilitate said amendment.
 - a. The applicant shall submit a request to the Commission complete with legal description and detailed site plan defining any areas to be developed for buildings, the areas to be developed for parking, the location of sidewalks and driveways, the points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and type of signs, and detailed drawings indicating the architectural characteristics of said development.
 - b. Said development plan shall be reviewed by the Commission and a date for a hearing shall be established. The site development plan,

prior to the hearing, shall be referred to the Technical Review Committee for study and for report. The Technical Review Committee shall review for conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning, and landscaping architecture. The Commission may approve the plan as submitted, or before approval, may require that the applicant modify, alter, adjust, or amend the plat as the Commission deems necessary to the end that it preserves the intent and purpose of this Ordinance, to promote public health, safety, morals, and general welfare. The Commission shall then make a recommendation on the development plan to the City Council.

- c. Five (5) copies of the approved plans shall be submitted to the Zoning Administrator.
 - d. The City Council, after notice and public hearing, shall approve or disapprove said plan as submitted or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Ordinance. Upon approval of the plan, the City Council shall then initiate a change in zoning of the subject tract of land in accordance with the provisions of Section 10-32-1 of this Ordinance. Such change shall be recorded on the City's Official Zoning Map and annotated "C-Z" after the designation of the underlying district.
3. If for any reason development and use of property approved in accordance with the procedure outlined in (1) and (2) above cannot be accomplished or is discontinued, such plans or use shall

not be altered, changed, or varied, except after approval by the City Council based upon procedure and review by the appropriate agencies set forth in (2) above.

4. Site Development Plan Amendments
[Ordinance 3245, 10/11/82]

a. Major

Any change in the development plan deemed to be substantial after the Council has approved the plan shall be resubmitted and considered in the same manner as the original development plan.

Examples of major changes may include, but are not limited to the following: changes in density, use and/or major changes in the overall street plan. A change in use may go through the minor approval process as long as the change is similar to the type of use approved with the development plan, and if compatibly designed in relation to surrounding uses.

b. Minor

A revised development plan shall be prepared in accordance with this Section for any alteration to a development plan.

Minor development plan amendments shall be administratively reviewed by Planning staff. If the change is considered insignificant in nature, staff may approve the change without a review and public hearing before the Commission and City Council.

Examples of minor changes may include, but are not limited to the following: the location, construction, replacement or change in type of signage, changes in curb cut location, sign locations, shifts

in building location, landscaping features, and parking circulation.

Minor changes may include additions to an existing building or new buildings which do not increase the existing floor area by more than ten (10) percent of the floor area of all existing or approved principal buildings. If staff determines that the magnitude of any such change is significant in nature or could become significant in nature, the change shall be deemed major and the changes shall be resubmitted and considered in the same manner as the original development plan, including a public hearing before the Commission and City Council. In determining if a change is significant in nature the Planning staff shall consider, among other things, the overall design of the proposed change and its compatibility to the existing development and surrounding development, as well as impact on the neighborhood due to changes in parking, traffic, etc. or changes in visibility or aesthetics from the public roads or adjoining properties caused by the proposed change.

O. Street Frontage Required.

Except as permitted in Chapter 25 of this Ordinance, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way at least twenty (20) feet wide to a street, and there shall be no more than one (1) single family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for two (2) or more such single family dwellings or for one

(1) or more two family or multiple dwellings.
[Ordinance 3220, 6/14/82]

P. Dwelling Standards.

[Ordinance 3378, 12/17/84]

The following standards shall apply to all new dwellings for which building permits have been issued on or after December 17, 1984:

1. The dwelling shall be affixed to a permanent foundation system, in accordance with the currently adopted Building Code standards;
2. The average width and length of the main body of the dwelling shall be a minimum of twenty (20) feet as measured from at least three (3) points of at least ten (10) feet apart on the dwelling.

Q. Site Plan Required.

In accordance with the Comprehensive Plan, as amended, it is essential that new developments and structural alterations to existing developments meet established minimum standards for the design of such developments to protect existing developments, to insure adequate provisions for public/private utilities, such as sewer, water, and roads, and promote the health, safety, and general welfare of the public. For any new development or structural alterations, a site plan shall be submitted to the Building Official as a part of the Building Permit Application. Said site plan shall be referred to Planning staff for their review and approval pertinent to meeting the requirements of this Ordinance and any other City Ordinance and/or policy. Said site plan shall include the legal description of the property, identify the areas to be developed for buildings, the areas and number of spaces to be provided for parking and vehicular use areas, the location of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of walls, the location and type of landscaping, the location

of public easements, the location, size, type and number of signs, site topography with existing and proposed elevations, storm water drainage system including detention (if required), proposed hard surfacing (material and thickness), location of utility connections (sanitary sewer and water), and storm water pollution prevention plan and IDNR permit (if required).

R. Proposed Use Not Covered by Title.

Any proposed use not covered in any District as a Principal Permitted use or a Special Permit use may be administratively reviewed and approved by the City Planner or designee as a Principal Permitted use or a Special Permit use in a District if the proposed use is similar to a listed Principal Permitted use or Special Permit use in such District. If the City Planner or designee determines that a proposed use is not similar, the use shall be permitted in the "M-2" District. In addition, a proposed use not covered by title and not determined to be similar to a use covered by title may be referred to the Commission and City Council for a decision as to the proper District and category in which said use should be permitted. This process requires an amendment to the Ordinance prior to addressing a specific site. Therefore, in order to add an unlisted use to a District, the Ordinance must be amended as provided in Chapter 31, before a rezoning request can be approved.

S. Landscaping Regulations.

[Ordinance 3907, 12/21/92]

This part shall apply to the following activities for all Special Permit and "R-3" or less restrictive uses; except one and two family dwellings and except the "C-3" zone; which engage in one or more of the following:

- a. new construction
- b. expansion of an existing building equal to 10% or 1000 square feet whichever is less

- c. new or expanded parking areas

1. Landscape Area and Planting Requirements.

Developments requiring landscaping under this part shall provide one of the following combinations of landscaped area and planting points per square foot of total lot area:

<u>LANDSCAPED ± AREA</u>	<u>POINTS PER SQUARE FOOT</u>
35% or more	.015
30%	.02
25%	.025
20%	.03
15%	.035
10% or less	.04

The following landscaping requirements shall be met:

A minimum of 65 percent of all required points shall be achieved through tree plantings.

The points required per square foot of vehicular use area shall be placed within islands in the vehicular use area and/or within five feet (5') of the perimeter. There shall be .04 points per square foot of vehicular use area. The intent is to position the plantings to enhance the overall appearance of the site.

All required trees within the vehicular use area shall be two inch (2") caliper or greater measured six inches (6") above grade at the time of planting.

2. Street Tree Planting.

A minimum of 1.5 points per linear foot of street frontage must be met through the provision of trees, and planting shall comply with the Vegetation Ordinance as set forth in Section 7-5-3 of the Code of Ordinances, as amended. [Ordinance 5288, 06/15/15] If circumstances do

not allow plantings on the city parking, street tree points shall be placed in the street yard setback area.

3. Expansion of Existing Use.

For additions to existing buildings or parking areas, the following percent of total points and total landscaped area shall be applied to the project dependent upon the total size of all additions since the adoption of this Section:

The lesser of:	Shall require:
10% - 20% addition or 100 square feet	25% of Ordinance requirements
21% - 40% addition or 2000 square feet	50% of Ordinance requirements
41% - 50% addition or 2500 square feet	75% of Ordinance requirements
51% addition or 2501 square feet	100% of Ordinance requirements

4. Alternative Compliance.

[Ordinance 3964, 8/9/93]

For sites larger than one (1) acre in area or those with difficult site conditions, the City Planner or his/her designated representative may approve the plan if the following findings are made:

- The proposed improvements will fulfill an individual and/or community need and will not adversely affect the goals of the Land Use Policy Plan; and
- The proposed improvements, because of the conditions that have been applied to it, will not be detrimental to the health, safety and the general welfare of persons residing or working in the area and will not adversely affect other property on in the vicinity; and

- c. The proposed improvements will meet the purpose and intent of this part.

5. Maintenance.

The owner shall be solely responsible for the maintenance of any and all landscaping. This maintenance shall include but not be limited to, removal of litter, pruning, mowing of lawns, adequate watering for all plant life, and also weeding in accordance with the Tree and Shrub Care Guidelines as set in forth by the Waterloo Park Commission. The owner shall also be responsible for any replacement, as necessary, in order to preserve the landscaping plan as approved by this Section. The responsibility to maintain the landscaping shall include the parking strip located between the private property line and the public street or highway, directly adjacent to the owner's property. A maintenance and right to enter agreement shall be signed prior to a building permit being issued.

6. Submittal Requirements.

Submittal for landscape approval shall include a separate planting plan showing type, size, and number of plantings; a site plan showing total area and total landscaped area and any supplementary information as required to demonstrate conformance to the landscape requirements. Any deviations from the approved landscape plan must receive approval from the City Planner or his/her designated representative prior to installation.

7. Measured Compliance.

The following point schedule and conditions apply to required landscaping in all zones and shall be used in determining achieved points for required planting:

Overstory Trees

4 inch caliper or greater	100 points
3 inch caliper or greater	90 points
2 inch caliper or greater	80 points
Trees with caliper of more than 4 inches	25 points per inch

Understory Trees

2 inch caliper or greater	40 points
1½ inch caliper or greater	30 points
1 inch caliper or greater	20 points

Shrubs

5 gallon or greater	10 points
2 gallon or greater	5 points

Conifers

10 foot height or greater	100 points
8 foot height or greater	90 points
6 foot height or greater	80 points
5 foot height or greater	40 points
4 foot height or greater	30 points
3 foot height or greater	20 points

[Ordinance 3907, 12/21/92]

CHAPTER 6 "A-1" AGRICULTURAL DISTRICT

10-6-1 REGULATIONS.

The regulations set forth in this Chapter and those contained in Chapter 5 shall apply in the "A-1" Agricultural District.

The "A-1" District is intended to provide for areas of the community which are suitable for agricultural and interrelated agricultural uses that are adjacent to residential, commercial or industrial districts. Any outside storage of materials or equipment shall be limited and clearly incidental and accessory to the Principal Permitted Use, and shall not include the outside storage of junk or salvage material or similar debris. Outside storage of materials or equipment shall not be permitted in a front yard. This provision shall not restrict the outside storage of licensed and operable ve-

hicles or agricultural equipment or machinery that are accessory and clearly incidental to the Principal Permitted Use.

A. Principal Permitted Uses:

1. Agriculture, farming and the usual agricultural buildings and structures, including specialized animal farms, provided that no structures shall be permitted unless accessory to another Principal Permitted Use or unless such structures are located on a farm as defined herein. Any fenced confinement area (excluding pastures) for farm animals shall have a minimum 10-foot setback from all property lines. Also a single-family dwelling provided that the owner/occupant is actively engaged in the farming operation and is a member of the farm owner's immediate family. For the purpose of this Section, the immediate family shall be interpreted as father, mother, son, daughter, wife, husband, brother, sister, grandparent or grandchild. Only one (1) lot that is a minimum of three (3) acres for this purpose shall be separated from a farm and at least thirty-five (35) acres shall remain after the transfer with the farm. *[Ordinance 4656, 11/10/03]* *[Ordinance 5417, 8/28/17]*
2. Truck gardening and nurseries *[Ordinance 4656, 11/10/03]*, provided however that any structures associated with such uses shall comply with Section 10-5-1(E) as if accessory to a single family residence, unless such uses are located on a farm as defined herein.
3. Stables, public and private, riding academies and clubs, and riding arenas, where there exists a minimum lot size of ten (10) acres and an area devoted to such purposes of at least five thousand (5,000) square feet per animal and provided further that no structure or building for the stabling of horses or tethering area be closer than fifty (50) feet from abutting residential properties. The area devoted to such uses shall be kept in a clean and sanitary condition. Private (non-commercial) stables shall not be subject to the ten (10) acres requirement. *[Ordinance 5417, 8/28/17]*
4. Grain elevators with usual accessory structures and the seasonal storage of coal whenever on or adjacent to and not more than one hundred (100) feet from a railway right-of-way.
5. Mining and extraction of minerals or raw material, including sand or gravel pits or borrow sites, upon approval of a Special Permit by the Board of Adjustment after review by the Commission.
6. Airports and landing fields, with Federal Aviation Administration approval if required.
7. Forest and forestry.
8. Parks, playgrounds, recreational trails, and similar recreational uses.
9. Any public building or use erected or maintained by any department of the city, township, county, state or federal government a public agency, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission, except as provided in Section 10-27-1.
10. Public utility structures and equipment necessary for the operation thereof in accordance with Section 10-27-1.
11. Transmitting stations and towers in accordance with Section 10-27-1.
12. Recreational vehicles as defined herein, within special flood hazard areas zoned A, AH, AO and AE on the Flood Insurance Rate Map must:

1. Be on the site for fewer than 180 consecutive days, and
2. Be fully licensed and ready for highway use.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by disconnect type utilities and security devices, and has no permanent attached additions. [Ordinance 4125, 9/11/95] A recreational vehicle that is accessory to a Principal Permitted Use and is fully licensed and ready for highway use may be on the site for more than 180 consecutive days for storage purposes only and not living quarters. [Ordinance 5049, 6/20/11]

13. Single-family homes that were legally built prior to adoption of Ordinance 2479, adopted 02/03/69. For the purposes of this Ordinance, any such legally established dwelling is not considered a non-conforming use as defined herein, but is considered a legal use. Furthermore, any such legally established dwelling may be rebuilt on the same lot as legally established, provided that all other rules and regulations of this Ordinance are met. However, such rebuild must occur within two (2) years of the removal of the original structure or within two (2) years of removal of a legal replace-

ment structure. [Ordinance 4656, 11/10/03] [Ordinance 5288, 06/15/15]

14. Public and parochial schools and other educational institutions having an established current curriculum similar to that ordinarily given in Waterloo public schools, and colleges, universities, or institutions of higher education, upon approval of a Special Permit by the Board of Adjustment after review by the Commission.
15. Large Wind Energy Facilities upon approval of a Special Permit by the Board of Adjustment after review by the Commission and in accordance with Section 10-27-1.

B. Accessory Uses:

1. Accessory uses and structures customarily incidental to any of the above uses. [Ordinance 4724, 9/20/04]
2. Repealed by Ordinance 4724, 9/20/04.

10-6-2 HEIGHT REGULATIONS.

Any building hereafter erected or structurally altered may be erected to any height not in conflict with other existing or future ordinances of the City of Waterloo.

10-6-3 BULK REGULATIONS.

The following minimum requirements shall be observed, subject to the modified requirements contained in Section 10-27-1:

"A-1" AGRICULTURAL DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ⁽¹⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD
Farm Building or Farm House [Ordinance 5417, 8/28/17]	35 Acres	No Minimum	35 Acres	50 Feet	25 Feet	50 Feet
Single Family Dwellings built prior to Ordinance	1.5 Acres	150 Feet	1.5 Acres	50 Feet	25 Feet	50 Feet
Other Permitted Uses	1.5 Acres	No Minimum	1.5 Acres	50 Feet	50 Feet	50 Feet

- (1) The front yard depth of any lot abutting on a "Major Street" shall be measured from the proposed right-of-way lines as shown on the Official Major Street Plan.

CHAPTER 7 "R-R" RURAL RESIDENCE DISTRICT

[Ordinance 4616, 6/9/03]

10-7-1 PURPOSE.

The "R-R" Rural Residential District is intended to provide regulations for land that is being converted to large lot residential uses. Lots to be included in this District must be larger than one and one half (1.5) acres but smaller than ten (10) acres. Because availability of either water or sewer services for properties in this District are provided through the use of individual wells or rural water type system and septic systems they must meet Board of Health standards. Areas to be developed shall be conducive to the construction and operation of onsite waste treatment systems and private water wells to be determined by the Black Hawk County Health Department. The Health Department may require an engineered plan for onsite waste treatment systems and private water wells. The purpose of this District is to restrict the permitted uses to those that are compatible with agricultural, residential, and environmentally sensitive areas. Individuals building in this area should be made aware of potential conflicts with agricultural uses (such as the spreading of manure) and that the City of Waterloo provides no protection against 24 hour agricultural operations. Police and fire protection, as well as other services, in the "R-R" Rural Residential District may not be comparable to other residential districts in the City of Waterloo. This District should only be used in areas where the City of Waterloo does not foresee extending infrastructure due to topography or

other barriers and not used as a means to circumvent extending city services in areas where it is feasible.

10-7-2 REGULATIONS.

The regulations set forth in this Chapter and the regulations contained in Chapter 5 shall apply in the "R-R" Rural Residential District.

A. Principal Permitted Uses:

1. Single-family dwellings.
2. Farming, specialized animal farms and truck gardening, but not on a scale that would be obnoxious to adjacent areas because of noise or odors. The Urban Animal Hobby Farm (UAHF) regulations of Section 10-27-1(U) shall govern specialized animal farms and the keeping of farm animals and livestock, except when on a farm of over 35 acres. [Ordinance 5417, 8/28/17]
3. Public or semi-public parks.
4. Public utility structures and equipment necessary for the operation thereof in accordance with Section 10-27-1.

B. Accessory Uses:

1. Accessory uses and structures customarily incidental to any of the above uses. [Ordinance 4724, 9/20/04]
2. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
3. Home Occupations
4. Stables, non-commercial where there exists an area devoted to such purposes of twenty thousand (20,000)

square feet with an additional ten thousand (10,000) square feet per animal exceeding two (2) in number housed or tethered and provided further that no structure or building for the stabling of horses or tethering area be closer than fifty (50) feet from the abutting residential properties. The area devoted to such uses shall be kept in a clean and sanitary condition

10-7-3 HEIGHT REGULATIONS.

No building shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 10-27-1.

10-7-4 BULK REGULATIONS.

The following minimum requirements shall be observed, subject to the modified requirements contained in Section 10-27-1:

"R-R" RURAL RESIDENCE DISTRICT

USE	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family Dwellings	1.5 Acres	10 Acres	150 Feet	50 Feet	25 Feet	50 Feet
Other Permitted Uses	1.5 Acres	10 Acres	150 Feet	50 Feet	25 Feet	50 Feet

CHAPTER 8 "R-1" ONE AND TWO FAMILY RESIDENCE DISTRICT

10-8-1 REGULATIONS.

The regulations set forth in this Chapter and the regulations contained in Chapter 5 shall apply in the "R-1" Residence District.

The "R-1" District is intended to provide for areas of the community which are suitable for low density residential uses that are adjacent to residential, professional office or neighborhood commercial uses. Any outside storage of materials or equipment shall be limited and clearly incidental and accessory to the Principal Permitted Use, and shall not include the outside storage of junk or salvage material or similar debris. Outside storage of materials or equipment shall not be permitted in a front yard. This provision

shall not restrict the outside storage of licensed and operable vehicles that are accessory and clearly incidental to the Principal Permitted Use.

A. Principal Permitted Uses:

- One and two family dwellings, including two-family row dwellings. [Ordinance 4618, 6/16/03] Alterations and conversions of single family dwellings into two family dwellings shall only be allowed in accordance with the lot area, frontage and yard requirements as set forth in this Section, and upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission. [Ordinance 5288, 06/15/15]
- Religious facilities, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission.
- Public and parochial schools and other educational institutions having an

established current curriculum similar to that ordinarily given in Waterloo public schools, and colleges, universities, or institutions of higher education, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission.

4. Private recreational areas and facilities such as swimming pools, skating facilities, community building or indoor institutional or community recreation centers or fields, country clubs, golf courses and driving ranges when incidental to a golf course, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission. [Ordinance 5395, 04/10/17]
5. Farming and truck gardening, but not on a scale that would be obnoxious to adjacent areas because of noise or odors, and provided that no structures shall be permitted unless accessory to another Principal Permitted Use or unless such structures are located on a farm as defined herein. The Urban Animal Hobby Farm (UAHF) regulations of Section 10-27-1(U) shall govern specialized animal farms and the keeping of farm animals and livestock, except when on a farm of over 35 acres. [Ordinance 5417, 8/28/17]
6. Family Homes. [Ordinance 3959, 7/26/93] [Ordinance 4554, 6/3/02]
7. Recreational vehicles as defined herein within special flood hazard areas zoned A, AH, AO and AE on the Flood Insurance Rate Map must:
 - a. Be on the site for fewer than 180 consecutive days, and
 - b. Be fully licensed and ready for highway use.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site

only by disconnect type utilities and security devices, and has no permanent attached additions. [Ordinance 4125, 9/11/95] A recreational vehicle that is accessory to a Principal Permitted Use and is fully licensed and ready for highway use may be on the site for more than 180 consecutive days for storage purposes only and not living quarters. [Ordinance 5049, 6/20/11]

8. Parks, playgrounds, recreational trails, and similar recreational uses.
9. Any public building or use erected or maintained by any department of the city, township, county, state or federal government, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission, except as provided in Section 10-27-1.
10. Public or private cemetery or burial ground provided it is on a minimum of thirty (30) acres, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission. This provision shall not prohibit the expansion of an existing cemetery or burial ground that is less than thirty (30) acres. [Ordinance 5395, 04/10/17]
11. Public utility structures and equipment necessary for the operation thereof in accordance with Section 10-27-1.
12. Transmitting stations and towers in accordance with Section 10-27-1.

B. Accessory Uses:

1. Accessory Uses and structures customarily incidental to any of the above uses. [Ordinance 4724, 9/20/04] Accessory structures shall meet the requirements provided for residential accessory structures in Section 10-5-1(E), including structures accessory to

non-residential Principal Permitted Uses unless approved by Special Permit.

2. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
3. Home occupations.
4. Horse Stables, non-commercial where there exists an area devoted to such purposes of twenty thousand (20,000) square feet with an additional ten thousand (10,000) square feet per horse exceeding two (2) in number housed or tethered and provided further that no structure or building for the stabling of horses or tethering area be closer than fifty (50) feet from the

abutting residential properties. The area devoted to such uses shall be kept in a clean and sanitary condition.

10-8-2 HEIGHT REGULATIONS.

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, whichever is less, except as provided in Section 10-27-1 and no accessory structure shall exceed a height as provided in Section 10-5-1(E) unless approved by Special Permit. [Ordinance 3050, 10/1/79]

10-8-3 BULK REGULATIONS.

[Ordinance 3293, 7/25/83]

The following minimum requirements shall be observed, subject to the modified requirements contained in Section 10-27-1:

"R-1" RESIDENCE DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ⁽¹⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD ^{(3) (4)}	MAXIMUM LOT COVERAGE ⁽²⁾
Single Family Dwellings	9,000 sq. ft.	75 feet	9,000 sq. ft.	30 ft.	10% of the lot width, which in any case shall not be required to exceed 10 feet	30 ft.	35%
Two Family Dwellings	10,000 sq. ft.	80 feet	5,000 sq. ft.	30 ft.	10% of the lot width, which in any case shall not be required to exceed 15 feet	30 ft.	35%
Other Permitted Uses	10,000 sq. ft.	80 feet	10,000 sq. ft.	35 ft.	10% of the lot width, which in any case, shall not be required to exceed 20 feet	35 ft.	No Maximum

(1) The front yard depth of any lot abutting on a "Major Street" shall be measured from the proposed right-of-way lines as shown on the Official Major Street Plan.

(2) No structure or combination of structures shall cover more than thirty-five (35) percent of the total lot area. This includes, but is not limited to, detached garages, sheds, all other accessory structures as well as the principal use, but does not include a deck as defined herein, provided no roof exists over the deck. This requirement pertains to single family and two family homes exclusively. [Ordinance 4709, 8/9/04]

(3) The rear yard setback is required except where an existing principal building on an abutting lot is closer to the rear lot line. In these instances the minimum rear yard setback will be the same as the nearest rear yard depth that was legally established. This provision applies to lots abutting the side yards that are not developed as a reverse frontage lot.

(4) For every additional foot the front yard depth is increased over the required setback, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet.

CHAPTER 9 "R-2" ONE AND TWO FAMILY RESIDENCE DISTRICT

10-9-1 REGULATIONS.

The regulations set forth in this Chapter and contained in Chapter 5 shall apply in the "R-2" One and Two Family Residence District.

The "R-2" District is intended to provide for areas of the community which are suitable for low density residential uses that are adjacent to residential, professional office or neighborhood commercial uses. Any outside storage of materials or equipment shall be limited and clearly incidental and accessory to the Principal Permitted Use, and shall not include the outside storage of junk or salvage material or similar debris. Outside storage of materials or equipment shall not be permitted in a front yard. This provision shall not restrict

the outside storage of licensed and operable vehicles that are accessory and clearly incidental to the Principal Permitted Use.

A. Principal Permitted Uses:

1. Any use permitted in the "R-1" Residence District.

B. Accessory Uses:

1. Any accessory use permitted in the "R-1" District.

10-9-2 HEIGHT REGULATIONS.

Same as specified in the "R-1" District.

10-9-3 BULK REGULATIONS.

[Ordinance 3210, 5/10/82]

The following minimum requirements shall be observed subject to the modified requirements contained in Section 10-27-1:

"R-2" ONE AND TWO FAMILY RESIDENCE DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ⁽¹⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD ^{(3) (4)}	MAXIMUM LOT COVERAGE ⁽²⁾
Single Family Dwelling	6,000 sq. ft.	50 ft.	6,000 sq. ft.	20 ft.	5 ft.	20 ft.	35%
Two Family Dwellings	8,000 sq. ft.	70 ft.	4,000 sq. ft.	20 ft.	5 ft.	20 ft.	35%
Other Permitted Uses	SAME AS SPECIFIED IN THE "R-1" DISTRICT						

- (1) The front yard depth of any lot abutting on a "Major Street" shall be measured from the proposed right-of-way lines as shown on the Official Major Street Plan.
- (2) No structure or combination of structures shall cover more than thirty-five (35) percent of the total lot area. This includes, but is not limited to, detached garages, sheds, all other accessory structures as well as the principal use, but does not include a deck as defined herein, provided no roof exists over the deck. This requirement pertains to single family and two family homes exclusively. *[Ordinance 3210, 5/10/82]*
- (3) The rear yard setback is required except where an existing principal building on an abutting lot is closer to the rear lot line. In these instances the minimum rear yard setback will be the same as the nearest rear yard depth that was legally established. This provision applies to lots abutting the side yards that are not developed as a reverse frontage lot.
- (4) For every additional foot the front yard depth is increased over the required setback, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet.

CHAPTER 10 "R-3" MULTIPLE RESIDENCE DISTRICT

[Ordinance 2524, 4/27/70]

10-10-1 REGULATIONS.

The regulations set forth in this Chapter and contained in Chapter 5 shall apply in the "R-3" Multiple Residence District.

The "R-3" District is intended to provide for areas of the community which are suitable for low, medium and high density residential uses that are adjacent to residential, professional office or neighborhood commercial uses. Any outside storage of materials or equipment shall be limited and clearly incidental and accessory to the Principal Permitted Use, and shall not include the outside storage of junk or salvage material or similar debris. Outside storage of materials or equipment shall not be permitted in a front yard. This provision shall not restrict the outside storage of licensed and operable vehicles that are accessory and clearly incidental to the Principal Permitted Use.

A. Principal Permitted Uses:

1. Any use permitted in the "R-2" One and Two Family Residence District.
2. Multiple, Condominium and Row Dwellings.
3. Boarding and lodging houses, rooming houses, and bed and breakfasts.
4. Group Homes (Voluntary Supervised), upon approval of a Special Permit by the Board of Adjustment after review by the Commission. [Ordinance 4554, 6/3/02]
5. Non-profit institutions of a philanthropic or educational nature, including libraries, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission.

6. Day care (adult or child), nursing and convalescent homes, and hospice facilities. [Ordinance 3755, 12/10/90]
 7. Private clubs, fraternities, sororities, and lodges, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission, excepting those the principal activity of which is a service customarily carried on as a business.
 8. Mobile home parks, including factory-built home parks if the structures are not classified as real estate, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission.
 9. Hospitals, excluding animal hospitals, and clinics, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission.
 10. Alterations and conversions of single family dwellings, two family dwellings, or multiple family dwellings into two family dwellings, multiple family dwellings, boarding and lodging houses, rooming houses, or bed and breakfasts shall only be allowed in accordance with the lot area, frontage and yard requirements as set forth in this Section, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission. [Ordinance 5288, 06/15/15]
- #### B. Accessory Uses:
1. Accessory uses permitted in the "R-2" District.
 2. Other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any permitted principal use. [Ordinance 4724, 9/20/04] Accessory structures shall meet the requirements provided for

residential accessory structures in Section 10-5-1(E), including structures accessory to non-residential principally permitted uses unless approved by Special Permit.

3. Storage garages where the lot is occupied by multiple dwelling, hospital, or institutional building, for storage of items accessory to the Principal Permitted Uses.

10-10-2 HEIGHT REGULATIONS.

No principal building shall exceed three (3) stories or forty-five (45) feet in height at the required front, side and rear yard lines, but above the height permitted at said yard

lines, two (2) feet may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the required yard lines and except as further provided in Section 10-27-1. No accessory structure shall exceed a height as provided in Section 10-5-1(E), including structures accessory to non-residential principally permitted uses unless approved by Special Permit.

10-10-3 BULK REGULATIONS.

[Ordinance 3210, 5/10/82]

[Ordinance 3908, 12/21/92]

The following minimum requirements shall be observed, subject to the modified requirements contained in Section 10-27-1:

"R-3" MULTIPLE RESIDENCE DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ⁽¹⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD ^{(5) (6)}	MAXIMUM LOT COVERAGE ⁽⁴⁾
Single Family Dwellings	6,000 sq. ft.	50 feet	6,000 sq. ft.	20 feet	5 feet	20 feet	35%
Two Family Dwellings	7,200 sq. ft.	70 feet	3,600 sq. ft.	20 feet	5 feet	20 feet	35%
Multiple Dwellings, Condominium, & Row Dwellings & Other Permitted Uses ⁽²⁾ : 1 & 1.5 story 2 & 2.5 story 3 story	10,000 sq. ft.	80 feet	2,500 sq. ft.	30 feet	5 feet 10 feet 10 feet	30 feet	No Maximum
Mobile Home park ⁽²⁾	20 acres total area	150 feet total width	6,000 sq. ft. per unit	20 feet around perimeter	20 ft. around perimeter ⁽³⁾	20 feet around perimeter	No Maximum

- (1) The front yard depth of any lot abutting on a "Major Street" shall be measured from the proposed right-of-way lines as shown on the Official Major Street Plan.
- (2) Above yard requirements for mobile home parks and multiple dwellings, including multiple dwelling condominium and row dwellings, apply to total area and not individual units except minimum lot area per family requirement.
- (3) Side yard requirements for mobile home parks may be reduced to ten (10) feet where such court or park abuts a less restrictive zoning district.
- (4) No structure or combination of structures shall cover more than thirty-five (35) percent of the total lot area. This includes, but is not limited to, detached garages, sheds, as well as the principal use, but does not include a deck as defined herein, provided no roof exists over the deck. This requirement pertains to single family and two family homes exclusively. [Ordinance 3210, 5/10/82]
- (5) The rear yard setback is required except where an existing principal building on an abutting lot is closer to the rear lot line. In these instances the minimum rear yard setback will be the same as the nearest rear yard depth that was legally established. This provision applies to lots abutting the side yards that are not developed as a reverse frontage lot.
- (6) For every additional foot the front yard depth is increased over the required setback, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet.

CHAPTER 11 "R-4" MULTIPLE RESIDENCE DISTRICT

10-11-1 REGULATIONS.

[Ordinance 3050, 10/1/79]

The regulations set forth in this Chapter and contained in Chapter 5 shall apply in the "R-4" Multiple Residence District.

The "R-4" District is intended to provide for areas of the community which are suitable for low, medium and high density residential uses and professional offices that are adjacent to residential, professional office or neighborhood commercial uses. Any outside storage of materials or equipment shall be limited and clearly incidental and accessory to the Principal Permitted Use, and shall not include the outside storage of junk or salvage material or similar debris. Outside storage of materials or equipment shall not be permitted in a front yard. This provision shall not restrict the outside storage of licensed and operable vehicles that are accessory and clearly incidental to the Principal Permitted Use.

A. Principal Permitted Uses:

1. Any use permitted in the "R-3" District.
2. Funeral Homes & Mortuaries
3. Halfway (Rehabilitation) Houses, upon approval of a Special Permit by the Board of Adjustment after review by the Commission. The Rehabilitation (Halfway) House shall be at least 600 feet from a one or two family home, and one-thousand (1,000) feet from a school, adult use, Family Home, Group Home, or another Halfway (Rehabilitation) House. [Ordinance 4554, 6/3/02]
4. Group Homes (Voluntary Unsupervised), upon approval of a Special Permit by the Board of Adjustment af-

ter review by the Commission. The Group Home shall be at least six-hundred (600) feet from a one or two family home, school, adult use, Family Home, Group Home, or Rehabilitation (Halfway) House. [Ordinance 4554, 6/3/02]

5. Group Homes (Involuntary Supervised), upon approval of a Special Permit by the Board of Adjustment after review by the Commission. The Group Home shall be at least six-hundred (600) feet from a one or two family home, school, adult use, Family Home, Group Home, or Rehabilitation (Halfway) House. [Ordinance 4554, 6/3/02]
6. Professional Offices, with less than forty (40) percent of the building(s) used for storage and or repair, such as:
 - Accountants
 - Architects
 - Art Schools
 - Artists
 - Barber Shop
 - Beauty Shop
 - Charity/Philanthropy
 - Church Offices
 - Civil Engineers
 - Collection Agency
 - Credit Bureau
 - Dental Offices
 - Entertainment Bureau
 - Insurance
 - Lawyers
 - Medical Offices and Clinics with Dispensary
 - Nurses Registry
 - Psychologists
 - Public Stenographers
 - Real Estate

Other similar professional office uses not included in the above list subject to the administrative review and approval of the Planning staff. If staff de-

termines that the proposed use is not similar in nature, it shall be considered a proposed use not covered by title, as regulated in 10-5-1(R).

7. Tourist Home
8. Recording Studios [Ordinance 3739, 8/20/90]
9. Senior organ/piano training center [Ordinance 4424, 7/10/00]

B. Accessory Uses:

1. Accessory uses permitted in the "R-3" District.

10-11-2 HEIGHT REGULATIONS.

No buildings shall exceed four (4) stories or forty-eight (48) feet in height at the required front, side and rear yard lines, except two (2) feet may be added to the height permitted at said yard lines for each one (1) foot that the building or portion thereof is set back from the required yard lines and except as further provided in Section 10-27-1.

10-11-3 BULK REGULATIONS.

[Ordinance 3210, 5/10/82]
[Ordinance 3908, 12/21/92]
[Ordinance 4592, 1/6/03]

The following minimum requirements shall be observed subject to the modified requirements contained in Section 10-27-1:

"R-4" MULTIPLE FAMILY RESIDENCE DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ⁽¹⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD ^{(4) (5)}	MAXIMUM LOT COVERAGE ⁽³⁾
Single Family Dwellings	6,000 sq. ft.	50 ft.	6,000 sq. ft.	20 ft.	5 ft.	20 ft.	35%
Two Family Dwellings	7,200 sq. ft.	60 ft.	3,600 sq. ft.	20 ft.	5 ft.	20 ft.	35%
Multi-Family & Other Permitted Uses ⁽⁶⁾ :							
1 & 1 ½ stories	8,000 sq. ft.	65 ft.	2,000 sq. ft. for the first 4 units	20 ft.	5 ft.	35 ft.	No Maximum
2 & 2 ½ stories	8,000 sq. ft.	65 ft.	plus 850 sq. ft. per additional unit on 1st,	20 ft.	10 ft.	35 ft.	No Maximum
3 & 3 ½ stories	8,000 sq. ft.	70 ft.	2nd, 3rd floor and 450 sq. ft.	20 ft.	10 ft.	35 ft.	No Maximum
4 stories	8,000 sq. ft.	80 ft.	per unit above 3rd	20 ft.	10 ft.	35 ft.	No Maximum
Mobile Home Park ⁽⁶⁾	20 acre total area	150 feet total width	3,000 sq. ft. per unit	20 ft. around perimeter	20 ft around perimeter ⁽²⁾	20 ft. around perimeter	No Maximum

- (1) The front yard depth of any lot abutting on a "Major Street" shall be measured from the proposed right-of-way lines as shown on the Official Major Street Plan.
- (2) Side yard requirements for mobile home parks may be reduced to ten (10) feet where such park abuts a less restrictive zoning district.
- (3) No structure or combination of structures shall cover more than thirty-five (35) percent of the total lot area. This includes, but is not limited to, detached garages, sheds, as well as the principal use, but does not include a deck as defined herein, provided no roof exists over the deck. This requirement pertains to single family and two family homes exclusively. [Ordinance 3210, 5/10/82]

- (4) The rear yard setback is required except where an existing principal building on an abutting lot is closer to the rear lot line. In these instances the minimum rear yard setback will be the same as the nearest rear yard depth that was legally established. This provision applies to lots abutting the side yards that are not developed as a reverse frontage lot.
- (5) For every additional foot the front yard depth is increased over the required setback, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet.
- (6) Above yard requirements for mobile home parks and multiple dwellings, including multiple dwelling condominium and row dwellings, apply to total area and not individual units except minimum lot area per family requirement.

CHAPTER 12 "R-P" PLANNED RESIDENCE DISTRICT

10-12-1 GENERAL REGULATIONS.

[Ordinance 3223, 6/21/82]

A. Intent.

The "R-P" District is intended and designed to provide a means for the development of tracts of land on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method. It is the intent of this Section that the basic principles of good land use planning be maintained and that sound zoning standards as set forth in this Ordinance concerning population density, adequate light and air, recreation and open space and building be preserved.

B. Uses Permitted.

Single family, two family and multiple family dwellings, except that no multiple family dwellings will be allowed in the "R-1,R-P" or "R-2,R-P" Districts. Occupant garages and storage space, and similar accessory uses. Non-commercial, outside and inside recreational facilities. Neighborhood retail uses and those permitted in the "C-1" Commercial District may be specifically and selectively authorized by the City Council upon recommendation of the Commission, except that no commercial uses or activities will be allowed in "R-1, R-P" or "R-2, R-P" areas and any approved commercial areas must be within an overall "R-P" Planned Residence package of more than ten (10) acres. Commercial uses and accessory uses shall be in accordance with this Section and also Section

10-14-1, not to exceed twenty-five (25) percent of the overall development, however, professional office uses shall not count towards the percentage of allowed commercial uses.

C. Procedure.

Whenever any application for an "R-P" Planned Residence District as an amendment to the Zoning Ordinance is submitted for a particular development, the following procedure shall be utilized to facilitate said amendment:

1. The owner or owners of any tract of land comprising an area of not less than two (2) acres may submit a petition requesting to change to the "R-P" Zoning District Classification, except that there shall not be a minimum area for property within the consolidated urban revitalization or enterprise zone area. *[Ordinance 4710, 8/9/04]*
2. Three (3) copies of the development plan shall be submitted and referred to the Commission for study and report. The Commission shall then review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of civic design, land use planning and landscape architecture.
3. The Commission may require a timetable and a development schedule for the project. The Commission may also require that no permit for any commercial structure or building shall be issued until at least twenty-five (25) percent of the Planned Residence District in question is developed for residential uses allowable under its particular zoning classification.

4. The Commission may require, in the absence of an appropriate physical barrier along the project boundary, that uses not be in conflict with those allowed in adjoining property or a buffer of open space or screening be arranged along the borders of the project.
5. After notice and a public hearing, the Commission may recommend approval or disapproval of the development plan and zoning petition as submitted or require that the petitioner amend the plan to preserve the intent and purpose of this Ordinance to promote public health, safety and general welfare.
6. The development plan and zoning petition as recommended by the Commission shall then be reported to the City Council, whereupon the City Council after notice and a public hearing may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Ordinance.
7. Required Documents - Site Development Plan
 - a. A site analysis showing a review of topography, patterns, existing vegetation, sanitary sewer and water service, and major street connections.
 - b. A schematic at 1" = 50' minimum showing location of:
 - i. Buildings with height and exterior design of typical structures and the number of dwelling units in each
 - ii. Parking areas
 - iii. Access drives and sidewalks
 - iv. Streets abutting or within the proposed development
 - v. Required peripheral yards
 - vi. Common land, recreation areas and parks
 - vii. Existing and proposed utilities and public easements
 - viii. Development stages and timing
 - ix. All proposed walls and fences
 - x. Proposed signs and their location
 - xi. Lighting facilities and their location
 - xii. Name of property owner or owners, legal description of the property, point of compass, scale and date
 - xiii. However, the applicant may also choose an alternate two-stage public hearing process in which the following would occur:
 - (a) The applicant would need to submit an overall site plan with a preliminary layout of streets, types of development, access drives, and a legal description of the property. Such a plan would be forwarded to the Commission for their recommendation on the rezoning of the land only. However, nothing in this Section shall be deemed to constitute approval of (b) below upon approval of this Section.
 - (b) If the rezoning of the land only is approved by City Council after review by the Commission, the request must then go to a second public hearing process for the approval of the final development plan. Said final plan would include

the criteria listed above in subsection (7)(b)(i-xii) and any additional information deemed necessary by the Commission or City Council. [Ordinance 4358, 5/3/99] Said final development plan must be approved before any development can occur and before construction of any public infrastructure.

8. Site Plan Amendments

a. Major

Any change in the site plan deemed to be substantial after the Council has approved the plan shall be resubmitted and considered in the same manner as the original site plan. The site plan shall be prepared in accordance with Section 10-12-1(C) (Procedure) of this Section.

Examples of major changes may include, but are not limited to the following: changes in density, changes in classification of land as assigned on the approved site development plan, the exterior street connections or major traffic changes. A change in use may go through the minor approval process as long as the change is similar to the type of use approved with the development plan, and if compatibly designed in relation to surrounding uses. Similar shall be defined as a permitted use in the same zoning classification (R-1, R-2, R-3 or R-4) as the site in question is listed as on the approved site plan. Areas not designated or designated as residence or one and two family residence shall permit "R-2" uses. Areas designated as multiple family or multiple residence shall permit "R-4"

uses excluding office uses. Areas designated as office or professional office shall permit "R-4" office uses.

b. Minor

A site plan shall be prepared in accordance with Section 10-12-1(C) (Procedure) of this Section for any alteration to a site plan located in an "R-P" Planned Residence District. Minor Site Plan Amendments shall be administratively reviewed by the Planning staff. If the change is considered insignificant in nature, staff may approve the change without a review and public hearing before the Commission and City Council.

Examples of minor changes may include, but are not limited to the following: the location, construction, replacement or change in type of signage; change in use of a site to another use classified in the same zoning district; minor change in building locations; or change in the locations of access, driveways, or parking areas. These changes may be carried out through the administrative review and approval of the Planning staff.

Minor changes may include additions to an existing building which do not increase the floor area by more than fifty (50) percent of the floor area of the building proposed to be added on to and new buildings with a floor area not exceeding ten (10) percent of the floor area of all existing or approved principal buildings. Minor changes may also include a change in the location or type of residential structure(s) as long as the overall density (units per acre) is not significantly increased by more than what was previously approved. If staff determines that

the magnitude of any such change is significant in nature or could become significant in nature, the change, it shall be deemed major and shall be resubmitted and considered in the same manner as the original site plan in accordance with Section 10-12-1(C) (Procedure), including a public hearing before the Commission and City Council. In determining if a change is significant in nature the Planning staff shall consider, among other things, the overall design of the proposed change and its compatibility to the existing development and surrounding development, as well as impact on the neighborhood due to changes in parking, traffic, etc. or changes in visibility or aesthetics from the public roads or adjoining properties caused by the proposed change.

D. Standards.

1. All dedicated streets, sanitary sewers and storm sewers shall be subject to the approval of the City Engineer.
2. No building permit for any building or other structure within the development shall be issued until the final development plan is approved by the City Council.
3. The parking requirements of the Zoning Ordinance shall apply to all developments, except the City Council may, after recommendation from the Commission, alter those requirements to preserve the intent and purpose of this Ordinance.
4. The minimum yard requirements of the underlying zoning district in which the development is located shall not apply except that the required yard shall be compatible and/or similar to adjacent properties provided around the boundary of the

development. However, the Commission and City Council may require additional setbacks or other requirements if needed.

5. The maximum building height within the development boundaries shall not exceed the maximum height regulations of its underlying zoning district, except that for development at least one hundred (100) feet from the development boundaries, Council may, after recommendation from the Planning, Programming and Zoning Commission, alter these requirements.
6. The Commission and City Council will review each plan to determine the number of dwelling units to be permitted.

The maximum number of dwelling units permitted in an "R-P" District shall be determined by dividing the net development area by minimum lot area per dwelling unit required by the zoning district or districts in which the Planned Unit Development is located and then multiplying by a multiplier of one hundred twenty-five (125) percent.

Net development shall be determined by subtracting the area actually proposed for public street right-of-way from the gross development area. The area of land set aside for common land, private drives, private streets, off-street parking, open space, recreation areas, as well as the building sites shall be included in determining the maximum number of dwelling units permitted.

E. Deed Restrictions.

The Commission or City Council may consider any deed restrictions or covenants entered into or contracted by the developer concerning the use of common land or permanent open spaces. Common land as herein contained shall refer to land retained in pri-

vate ownership but intended for the use of residents of the development unit or the general public.

F. Commencement and Completion.

The Council may condition the approval of the site plan upon the developer commencing construction of the development within two (2) years and contingent upon completion of construction and improvements within a reasonable period of time after Council approval. In determining such time period, the Council shall consider the scope and magnitude of the development. Failure to meet these requirements shall be deemed sufficient cause for the Council, in accordance with the provisions of this Ordinance to rezone the subject property to the zoning classification effective at the time of the original submittal of the petition unless an extension is approved by the Council for due cause shown after recommendation by the Commission.

G. Land Usage.

The land usage, minimum lot area, yard height, and accessory uses shall be determined by the requirements set out in this Section, which shall prevail over conflicting requirements of this Ordinance or Subdivision Ordinance.

H. Platting Required.

If platting is required and a final plat has not been approved and recorded on any part or portion of the development, the platting procedure must be followed in accordance with the City of Waterloo Subdivision Ordinance No. 2997 on all portions or parts not platted. The site development plan can be resubmitted as a preliminary plat if it meets the preliminary plat requirements. [Ordinance 3223, 6/21/82]

**CHAPTER 13
"S-1" DISTRICT
REGULATIONS
(Shopping Center Commercial District)**

10-13-1 REGULATIONS.

The "S-1" District is intended to provide for the development of shopping centers. For the purpose of this Section, the term "shopping center" shall mean a planned retail and service area often under single ownership, management, or control characterized by a concentrated grouping of stores and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads, extensive parking accommodations, drainage, etc. The "S-1" District shall allow greater flexibility and diversification of land uses and building locations than conventional single lot method. It is the intent of this section that the basic principles of good land use planning be maintained and that sound zoning standards as set forth in this Ordinance concerning orderly growth and development, traffic patterns, and compatible design and use be preserved.

Since shopping center developments, whether large or small, have a significant effect upon the Comprehensive Plan for the development of the City, extensive authority over their development is retained by the Commission. Many matters relating to the shopping center's design, its potential for success or failure and its effect upon surrounding neighborhoods must be considered by the Council and Commission in order to reasonably be assured that the area will not eventually become blighted. It is further intended that in the event of an applicant's failure to construct a shopping center in accordance with a reasonable time schedule, the City Council shall enact the necessary legislation to reclassify the area to another classification consistent with the surrounding neighborhood in order that the property will not be sterilized from use. Such action would also, because of the reduction in commercial zon-

ing in a given area, provide conditions whereby it could be reasonable for the Council to classify other areas in the vicinity for shopping center use.

A. Procedures.

The owner or owners of any tract of land comprising an area of not less than five (5) acres may submit to the City Council a plan for the commercial use and development of such tract for the purpose of meeting the requirements of this Section. Said plan shall be accompanied by evidence concerning the feasibility of the project and its effects on surrounding property and shall include each of the following:

1. A site plan defining the areas to be developed for buildings, the areas to be developed for parking, the location of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
2. An analysis of market conditions in the area to be served, including the types and amount of service needed and general economic justification.
3. A traffic analysis of the vicinity indicating the short term and long term effect of the proposed shopping center on the adjacent streets.
4. A statement of financial responsibility to assure construction of the shopping center, including landscaping, in accordance with the plan and the requirements of this Section.

Said development plan shall be referred to the Commission for study and for report after public hearing. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of civic design, land use planning, and landscaping architecture. 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 preserve the intent and purpose of this Ordinance to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the City Council, whereupon the City Council may after notice and public hearing approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Ordinance. Upon approval of the plan, the City Council shall then initiate a change in zoning of the subject tract of land in accordance with the provisions of Section 10-32-1 of this Ordinance to the "S-1" District classification.

B. Standards.

Uses permitted in the "S-1" District shall include any use permitted in the "C-3" District, except adult uses as defined in this Ordinance or except as limited by this district, provided, however, the Council may consider any additional restrictions proposed by the owner. The lot area, lot frontage, and yard requirements of the "C-2" District shall be considered minimum for the "S-1" District; however, it is expected that these minimums will be exceeded in most situations. Buildings may be erected to heights greater than those allowed in the "C-2" District in accordance with the intent and purpose of this Section, and the minimum yard requirements and parking requirements of this Ordinance shall apply to all developments, except that the City Council may, after recommendation from the Commission, alter those requirements to preserve the intent and purpose of this Ordinance.

C. Completion.

The Council may make the approval of the shopping center plan contingent upon the completion of construction and improvements within a reasonable period of time, provided; however, that in the determination

of such period, the Council shall consider the scope and magnitude of the project and any schedule or timetable submitted by the developer. Failure to complete the construction and improvements within said period of time shall be deemed sufficient cause for the Council in accordance with the provisions of Section 10-32-1 to rezone the subject property to the classification effective at the time of original submission of the shopping center plan unless an extension is recommended by the Commission and approved by the Council for due cause shown. Any proposed change in the shopping center plan after approval by the Council, shall be resubmitted and considered in the same manner as the original proposal.

D. Minor Site Plan Amendments.

[Ordinance 2913, 8/22/77]
[Ordinance 3918, 1/11/93]
[Ordinance 4142, 12/18/95]

A site plan shall be prepared in accordance with subsection A above for any alteration to a site plan located in a "S-1" Shopping Center Commercial District. Minor Site Plan Amendments shall be administratively reviewed by Planning staff. If the change is considered insignificant in nature, staff may approve the change without a review and public hearing before the Commission and City Council.

Examples of minor changes may include, but are not limited to the following: the location, construction, replacement or change in type of signage; change in use to a similar use approved with the development plan; minor change in building locations; or change in the locations of access, driveways, or parking areas. These examples may be carried out through the administrative review and approval of the Planning staff. Multiple pole signs on a single site will be considered as a major change.

Minor changes may include additions to an existing building or new buildings which do not increase the existing floor area by more than ten (10) percent of the floor area of

all existing or approved principal buildings. If staff determines that the magnitude of any such change is significant in nature or could become significant in nature, the change shall be deemed major and the change shall be re-submitted and considered in the same manner as the original site plan in accordance with Section 10-13-1(A) (Procedures), including a public hearing before the Commission and City Council. In determining if a change is significant in nature the Planning staff shall consider, among other things, the overall design of the proposed change and its compatibility to the existing development and surrounding development, as well as impact on the neighborhood due to changes in parking, traffic, etc. or changes in visibility or aesthetics from the public roads or adjoining properties caused by the proposed change.

CHAPTER 14
"C-1" NEIBORHOOD
COMMERCIAL DISTRICT

[Ordinance 3192, 2/22/82]

10-14-1 REGULATIONS.

The regulations set forth in this Chapter and contained in Chapter 5 shall apply in the "C-1" Neighborhood Commercial District.

The "C-1" Neighborhood Commercial District is intended to provide for areas of the community which are suitable for a commercial development and are adjacent to Residence Districts and in which such commercial uses are permitted as are normally required for the daily local retail business needs of the residents of the locality only. Any outside storage of materials or equipment shall be limited and clearly incidental and accessory to the Principal Permitted Use, and shall not include the outside storage of junk or salvage material or similar debris. Outside storage of materials or equipment shall not be permitted in a front yard. This provision shall not restrict the outside storage of licensed and operable vehicles that are accessory and clearly incidental to the Principal Permitted Use, and

shall not restrict outside display areas when such display areas display items that can be legally sold by a commercial business on the property and when the display area does not exceed an area equal to the area occupied by the building(s) on a property.

A. Principal Permitted Uses:

1. Any use permitted in the "R-4" District.
2. Group Homes [*Ordinance 4554, 6/3/02*]
3. Any retail business or service establishment such as the following:

Animal Hospital or Veterinary Clinic, provided all phases of the business conducted upon the premises be within a building where noises and odors are not evident to adjacent properties

Antique Shop

Apparel Shop

Bakery, retail only

Barber Shop or Beauty Parlor

Bicycle Shop

Bookstore

Candy Shops, retail only

Car Wash

Clothes Cleaning and Laundry Pickup Stations

Coffee House

Collection Office or Public Utility

Commercial Parking Lots for passenger vehicles in accordance with the provisions of Section 10-25-2

Convenience Store [*Ordinance 4976, 11/23/09*]

Dairy Store, retail only

Delicatessen and Sub Shop

Dry Goods Store

Drug Store

Financial Institution

Florist and Nursery Shop, retail only

Fruit and Vegetable Market

Furniture Store

Gasoline Stations

Gift Shop

Grocery Store

Hardware Store

Hobby Shop

Household Appliances, sale and repair

Jewelry Store

Launderette (Laundromat)

Meat Locker, storage and retail sales only

Music Store

Paint and Wallpaper Store

Post Office Substation

Photographic Studio

Radio and Television Sales and Service

Radio and Television Studios, provided that any towers or transmitting facilities are in accordance with Section 10-27-1(B)(4)

Soda Fountain

Shoe Repair Shops

Sporting Goods

Tailor Shop

Theaters

Variety Store

Professional Cleaning Service excluding Dry Cleaners [*Ordinance 5395, 04/10/17*]

4. Any retail business or service establishment listed above that is also a limited alcohol sales use as defined herein, further subject to the following requirements:
 - a. No alcohol sales use shall sell or dispense alcoholic beverages via a drive-through or walk-up window or any similar drive-up or drive-in system. Notwithstanding anything in Section 10-5-1(B) to the contrary, any alcohol sales use

- that made use of such a window or system before adoption of Ordinance 4976 on 11/23/2009 shall cease and desist from use of such a window or system, and shall comply with the requirements of this paragraph, no later than December 31, 2012.
- b. For the establishment of new alcohol sales use locations, fencing or other approved screening shall be constructed along the property line with any abutting protected use, unless determined by the City Planner or designee to be infeasible. *[Ordinance 4976, 11/23/09]*
 - c. Except as set forth below, no establishment that is a limited alcohol sales use (off-premise consumption) shall exhibit on the exterior of the premises any image or verbiage that makes use of the words "alcohol," "beer," "wine," "liquor," or any variant or synonym of any such word, or any type of such beverage, or that indicates or suggests that such beverages may be purchased in or upon the premises, except that banner, portable and temporary signs shall be allowed if conforming to the requirements of Section 10-26-1(C) and if not in violation of Iowa Code § 123.51. Notwithstanding anything in Section 10-5-1(B) to the contrary, any existing business that does not conform to the foregoing requirements shall conform no later than March 31, 2013. Standards for banner, portable, and temporary signs shall be effective immediately. The limitations of this paragraph shall not apply to a grocery store in which the retail floor space in the building equals or exceeds 15,000 square feet, or to a pharmacy. *[Ordinance 5465, 9/4/18]*
5. Business or professional office and similar uses not included in the above list supplying commodities or performing services primarily for residents of the neighborhood subject to the administrative review and approval of the Planning staff. If staff determines that the proposed use is not similar in nature, it shall be considered a proposed use not covered by title, as regulated in 10-5-1(R).
 6. Specifically excluded as principal permitted uses under this subsection are delayed deposit service uses, pawnbroker uses, and freestanding commercial parking lots. *[Ordinance 5288, 06/15/15]*
- B. Accessory Uses:**
1. The following accessory uses are permitted in a "C-1" District.
 - a. Accessory uses permitted in the "R-4" District
 - b. Storage of merchandise incidental to the principal use may be stored in the principal building on the lot in question, but not to exceed forty (40) percent of the floor area for said principal building.
- C. Height Regulations.**
- No building shall exceed three (3) stories or forty-five (45) feet in height at the required front, side and rear yard lines, except two (2) feet may be added to the height permitted at said yard lines for each one (1) foot that the building or portion thereof is set back from the required yard lines and except as further provided in Section 10-27-1. *[Ordinance 4709, 8/9/04]*
- 10-14-2 BULK REGULATIONS.**
- [Ordinance 3192, 2/22/82]*
[Ordinance 4592, 1/6/03]
- The following minimum requirements shall be observed subject to the modified requirements contained in Section 10-27-1:

"C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ⁽¹⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD ^{(2) (3)}	MAXIMUM LOT COVERAGE
Residential Uses	SAME AS SPECIFIED IN THE "R-4" DISTRICT						
Other Permitted Uses	No Minimum	No Minimum	No Minimum	20 ft. ⁽⁴⁾	Same as "R-4" District	35 ft.	No Maximum

- (1) The front yard depth of any lot abutting on a "Major Street" shall be measured from the proposed right-of-way lines as shown on the Official Major Street Plan. [Ordinance 3908, 12/21/92]
- (2) The rear yard setback is required except where an existing principal building on an abutting lot is closer to the rear lot line. In these instances the minimum rear yard setback will be the same as the nearest rear yard depth that was legally established. This provision applies to lots abutting the side yards that are not developed as a reverse frontage lot.
- (3) For every additional foot the front yard depth is increased over the required setback, the rear yard depth may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet.
- (4) The front yard setback is required except any commercial use may be built to the nearest front yard depth (from the street right-of-way to the structure) of a structure that was legally established. This setback would apply to all structures on the same side of the street between two (2) intersecting streets. On corner lots, this may include buildings addressed and/or having their front yard setback facing a different street. [Ordinance 5288, 06/15/15]

**CHAPTER 15
 "C-2" COMMERCIAL
 DISTRICT**

[Ordinance 3192, 2/22/82]

10-15-1 REGULATIONS.

The regulations set forth in this Chapter and contained in Chapter 5 shall apply in the "C-2" Commercial District. The "C-2" District is intended to provide for areas of the community which are developed or will be soon as moderate intensity commercial area. These areas are often associated with the major traffic arteries and highways located within the community. Any outside storage of materials or equipment shall be limited and clearly incidental and accessory to the Principal Permitted Use, and shall not include the outside storage of junk or salvage material or similar debris. Outside storage of materials or equipment shall not be permitted in a front yard. This provision shall not restrict the outside storage of nursery, landscaping and garden material, and licensed and operable vehicles, or unlicensed operable vehicles for sale, that are accessory and clearly incidental to the Prin-

icipal Permitted Use. This provision shall not restrict other outside display areas when such display areas display items that can be legally sold by a commercial business on the property and when the display area does not exceed an area equal to the area occupied by the building(s) on a property.

A. Principal Permitted Uses:

1. Any use permitted in the "C-1" Commercial District, except that limited alcohol sales uses shall conform to the terms set forth for such uses in the "C-1" District.
2. Adult uses as defined in the definitions Section, upon approval of a Special Permit by the Board of Adjustment after review by the Commission and provided that such uses meet the following separation requirements:
 - a. At least 600 feet from any other adult use measured in a straight line from the closest points of the property lines in which the adult uses are located.
 - b. At least 600 feet from any protected use as defined herein

- which distance shall be measured in a straight line from the closest point of the property line which the adult use is located to the closest point of the property line in which is located an aforementioned protected use. If a protected use is a legal non-conforming use, this provision shall not apply. [Ordinance 3642, 5/1/89]
3. Non-Limited Alcohol Sales Uses, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission, except that a Special Permit shall not be required if such use is located along a principal arterial or interstate according to the Urban Federal Functional Classification System prepared by IDOT, provided that such uses meet the following requirements:
- a. Non-limited alcohol sales uses shall conform to the requirements of Section 10-14-1(A)(4)(a)-(b).
 - b. No non-limited alcohol sales use (off-premise consumption) that holds a Class E liquor control license or for which an application for such a license has been submitted but not yet granted shall be located within 600 feet from a protected use, and no other non-limited alcohol sales use shall be located within 250 feet from a protected use, as measured in a straight line from the closest point of the property line in which an alcohol sales use is located to the closest point of the property line of any protected use.
 - c. No non-limited alcohol sales use (off-premise consumption) for which a Class E liquor control license has been issued or for which an application for such a license has been submitted but not yet granted shall be located within 600 feet of another alcohol sales use holding the same class of license, as measured in a straight line from the closest points of the property lines in which the alcohol sales uses are located.
 - d. No non-limited alcohol sales use shall be located within 250 feet of another non-limited alcohol sales use, as measured in a straight line from the closest points of the property lines in which the alcohol sales uses are located.
4. Animal Hospital or Veterinary Clinic providing any exercising runway shall be at least two hundred (200) feet from any "R" District and one hundred (100) feet from any "C-1" District boundary.
5. Automobile, Motorcycle, Trailer and Farm Implement establishments for display, hire and sales (excluding auctions and not including sales lots without a principal building except for satellite lots when the lot is abutting or across a street from a lot with a principal building including an office), including as incidental to these major uses all repair work in connection with their own and customers' vehicles, but not including uses in which the major source of revenue is from body and fender work. In addition, this paragraph shall not be construed to include automobile, tractor, or machinery salvage and used parts yards. Machinery, salvaged or used parts, and vehicles not in running condition and not be-
- [Ordinance 4976, 11/23/09]

- ing actively restored to running condition, or not DOT operational and not licensed, shall be located in an enclosed building.
6. Clothes Dry Cleaning and/or dyeing establishments.
 7. Commercial Indoor Recreational Facilities such as Billiard Parlors and Pool Halls, Dance Halls and Ballrooms, Dance/Gymnastic/Ballet Studios, Bowling Alleys, Skating Rinks, Game Arcades, Tennis Courts, Swimming Pools, Handball Courts, Archery and Gun Firing Ranges, Paintball and Laser Tag Facilities, Bounce House and Trampoline Facilities, and other similar Indoor Recreational Uses. Facilities with both indoor and outdoor recreational uses shall require Special Permit approval as noted in subsection 8. below. [Ordinance 5395, 04/10/17]
 8. Commercial and Private Outdoor Recreational Uses such as Baseball Fields, Swimming Pools, Skating, Golf Driving Ranges, Commercial Campgrounds, Hunting and Fishing Clubs, Skeet or Trap Shooting Ranges, Archery and Gun Range Facilities, Outdoor Paintball Facilities, Automobile Race Tracks, Drag Strips, Go-cart Tracks, Mini Bikes or Activity Areas for Motorcycles, Snowmobiles, or ATV's, Miniature/Goofy Golf Courses, Drive-in Theaters, or similar open air recreational uses and facilities, upon approval of a Special Permit by the Board of Adjustment after review by the Commission. Private non-commercial areas, such as non-profit clubs, etc. shall only require Special Permit approval if organized events or activities occur more than 12 times in a calendar year. [Ordinance 5395, 04/10/17]
 9. Contractor Businesses, including Carpenter and Cabinet Shop, Plumbing and Heating Shop, Roofing Shop, Sheet Metal Shop, Sign Painting Shop, Landscaping Business, and similar uses, provided there is no outside equipment yard. [Ordinance 5395, 04/10/17]
 10. Contractor Businesses including Contractor Equipment Yards, provided that equipment yards shall be effectively screened on each side facing a Residential District and on each side facing a public street by a fence, wall or densely planted compact hedge not less than six (6) feet or more than eight (8) feet in height, and, for equipment yards, upon approval of a Special Permit by the Board of Adjustment after review by the Commission.
 11. Department Stores
 12. Drinking Establishments, Taverns, Bars and Night Clubs, Summer Gardens, and Road Houses, including entertainment and dancing, provided that any such use that meets the definition of Alcohol Sales Use shall meet the requirements for an alcohol sales use.
 13. Hotels [Ordinance 4592, 1/6/03]
 14. Kennel, provided the principal building is at least 250 feet and any outside exercise or runway area is at least 500 feet from any residentially zoned property measured in a straight line from the closest point of the building or runway to the closest residential zoned property line, and upon approval of a Special Permit by the Board of Adjustment after review by the Commission.
 15. Laundries or Laundromats
 16. Lawn Mower Repair Shop

17. Lumber Yards and Building Materials, retail, but not including any manufacturing or fabricating for wholesaling operations.
18. Mini-storage or storage rental development, upon issuance of a Special Permit, which shall review the location for compatibility of surrounding, highest and best use of land, and proximity to a major thoroughfare. *[Ordinance 4683, 4/12/04]* It is the intent of this provision for such uses to be towards the rear of highly visible commercial property.
19. Monument Sales Yard, but not without a principal building.
20. Off-premise advertising in accordance with Section 10-26-1. *[Ordinance 4724, 9/20/04]*
21. Motels and Auto Courts
22. Pet Shop, including Aquariums
23. Printing Shops, not to include more than two (2) 12"x 18" inch job presses
24. Restaurant: Fast Food Type and Standard Type, and drive-in eating establishments, provided that any such use that meets the definition of an Alcohol Sales Use shall meet the requirements for a limited alcohol sales use (on-premise consumption).
25. Delayed deposit service uses, provided that such uses meet the following requirements:
 - a. The use is licensed as a delayed deposit services business by the State of Iowa.
 - b. No delayed deposit service use shall be located within 600 feet from any of the following, as measured in a straight line from the closest point of the property line in which a delayed deposit

service use is located to the closest point of the property line of such other use or area: protected uses, pawnbroker uses, other delayed deposit service uses, adult uses, or non-limited alcohol sales uses.

- c. No delayed deposit service use shall offer or provide delayed deposit services via a drive-through or walk-up window or any similar drive-up or drive-in system.

26. Pawnbroker uses

27. Freestanding Commercial Parking Lots, upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission. *[Ordinance 5288, 06/15/15]*

28. Other similar service and retail businesses not included in the above list subject to the administrative review and approval of the Planning staff. If staff determines that the proposed use is not similar in nature, it shall be considered a proposed use not covered by title, as regulated in 10-5-1(R).

B. Accessory Uses:

1. Accessory uses permitted in the "C-1" District.
2. Accessory uses and structures customarily incidental to any permitted principal uses.

10-15-2 BULK REGULATIONS.

[Ordinance 3050, 10/1/79]

[Ordinance 3192, 2/22/82]

[Ordinance 4592, 1/6/03]

The following minimum requirements shall be observed, subject to the modified requirements contained in Section 10-27-1:

"C-2" COMMERCIAL DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ⁽¹⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD ^{(3) (4)}	MAXIMUM HEIGHT AND LOT COVERAGE
Residential Uses	SAME AS SPECIFIED IN THE "R-4" DISTRICT						
Motels/Hotels	No Minimum	150 feet		20 ft.	10 ft.	20 ft.	No building shall exceed 4 stories or 48 feet in height ⁽⁵⁾
Other Permitted Uses	No Minimum	No Minimum	No Minimum	20 ft. ⁽²⁾	Same as "R-4" District	35 ft.	

- (1) The front yard depth of any lot abutting on a "major street" shall be measured from the proposed right-of-way lines as shown on the Official Major Street Plan.
- (2) The front yard setback is required except any commercial use may be built to the nearest front yard depth (from the street right-of-way to the structure) of a structure that was legally established. This setback would apply to all structures on the same side of the street between two (2) intersecting streets. On corner lots this may include buildings addressed and/or having their front yard setback facing a different street. [Ordinance 5288, 06/15/15]
- (3) The rear yard setback is required except where an existing principal building on an abutting lot is closer to the rear lot line. In these instances the minimum rear yard setback will be the same as the nearest rear yard depth that was legally established. This provision applies to lots abutting the side yards that are not developed as a reverse frontage lot.
- (4) For every additional foot the front yard depth is increased over the required setback, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet.
- (5) For every additional foot all yard lines are increased over the required setback, the building height may be increased by two (2) feet, including allowing additional stories, except as further provided in Section 10-27-1.

CHAPTER 16 "C-P" PLANNED COMMERCIAL DISTRICT

[Ordinance 4635, 8/11/03]

10-16-1 GENERAL REGULATIONS.

A. Intent.

The "C-P" Planned Commercial District is intended and designed to provide a means for the residential and compatible commercial development of tracts of land on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method. It is the intent of this Section that the basic principles of good land use planning be maintained and that sound zoning standards as set forth in this Ordinance concerning orderly growth and development, traffic patterns, and compatible design and use be preserved.

The ideals of the Planned Commercial District stem from the Mixed Use Commercial

categorization on the Future Land Use Map contained within the City of Waterloo Comprehensive Plan. The areas designated for Mixed Use Commercial work to direct such developments into areas of transition from commercial to residential, based on current developments. The compatibly designed commercial uses allowed in C-1 or C-2 Districts may be specifically and selectively authorized by the City Council upon recommendation of the Commission, except that no commercial uses will be allowed which appear detrimental to the intent of this district or the essential character of the neighborhood. Commercial uses will be compatibly designed to blend in with the built or planned environment and shall incorporate the following elements into their design; building façade, landscaping, signage, screening, and site orientation and layout. Special attention will be paid to outside storage and whether it is limited, screened, or nonexistent. This shall not be deemed all inclusive and specific uses may require other elements for consideration.

Furthermore, the failure to produce an aesthetically compatible site design and layout may result in a specific lot location within the district for such uses, to screen the site appearance from the traveled way or residential, or denial in the use.

B. Uses Permitted.

1. Any uses permitted in the R-4 District.
2. Any use permitted in the C-1 or C-2 Districts, other than a delayed deposit service use, that is compatibly designed and deemed an appropriate commercial use to the surrounding development.
3. Gaming facilities. The Commission and City Council shall evaluate the site layout, traffic, and other ordinance and code provisions. The impact upon existing infrastructure and development as well as the overall growth and development of the community will also be reviewed. [Ordinance 4735, 10/18/04]

Compatibly designed commercial uses shall include, but not be limited to, screening and buffering from residential uses, shall be oriented for and designed for efficient traffic flow to major thoroughfares, shall have limited outside storage of materials, and lighting, signage, and shall have building design that complement surrounding development. Each site would be evaluated on an individual basis for these criteria of compatibility. If staff determines that such a commercial use is compatibly designed, it shall approve the request through staff administrative review. If staff determines that such a change does not meet these criteria, the request would need to go back to the Commission and City Council for a formal site plan review process. The Commission and City Council shall review the request as described in the Intent of this Section.

C. Procedure.

Whenever any application for a "C-P" Planned Commercial District as an amendment to the Zoning Ordinance is submitted for a particular development, the following procedure shall be utilized to facilitate said amendment:

1. The owner or owners of any tract of land comprising an area of not less than two (2) acres may submit a petition requesting to change to the "C-P" Planned Commercial District Classification, except that there shall not be a minimum area for property within the consolidated urban revitalization or enterprise zone area. [Ordinance 4801, 03/13/06]
2. Three (3) copies of the proposed development plan, with planned uses, shall be submitted and referred to the Commission for review and report. The Commission shall then review the proposed development for conformity with the standards of the Comprehensive Plan and with recognized principals of civic design, land use planning and landscape architecture.
3. After notice and a public hearing, the Commission may recommend approval or disapproval of the development plan and zoning petition as submitted or require that the petitioner amend the plan to preserve the intent and purpose of this Ordinance to promote public health, safety and general welfare.
4. The development plan and zoning petition as recommended by the Commission shall then be reported to the City Council, whereupon the City Council, after notice and a public hearing, may approve or disapprove said plan and zoning petition as reported or may require such changes thereto as it deems necessary to

achieve the intent and purpose of this Ordinance.

5. Required Documents – Site Development Plan

a. A site analysis showing a review of topography patterns, existing vegetation, sanitary sewer and water service, and major street connections.

b. A scaled drawing showing the location of:

i. Overall site layout with areas designated for differing uses.

ii. Preliminary street layout with pedestrian amenities and overall conceptual drainage plan. This should include connections from abutting streets to proposed development site as well as proposed internal streets. A plan for pedestrian movements, trails and/or sidewalk system, should be either required or non-required in their entirety to insure no gaps are created through individual site development.

iii. Required peripheral yards.

iv. Proposed development stages and timing, if deemed necessary by staff.

v. Traffic analysis, if determined necessary by City Traffic Engineer.

vi. Name of property owner or owners, legal description of the property, point of compass, scale and date.

c. The original site detailing proposed development shall be reviewed by the Commission for review and recommendation to the City Council, where a public hear-

ing would be required. The City Council reserves the right to add conditions as deemed necessary to preserve the intent of this district. However, the applicant may also choose an alternate two-stage public hearing process in which the following would occur:

i. The applicant would need to submit an overall general site plan with a preliminary layout of streets, types of development, access drives, and a legal description of the property. Such a plan would be forwarded to the Commission for their recommendation on the rezoning of the land only. However, nothing in this Section shall be deemed to constitute approval of subsection (2) below upon approval of this Section.

ii. If the rezoning of the land only is approved by City Council after review by the Commission, the request must then go to a second public hearing process for the approval of the final development plan. Said final plan would include the criteria listed in subsection (5)(b)(i-vi) above and any additional information deemed necessary by the Commission or City Council. Said final development plan must be approved before any development can occur and before construction of any public infrastructure.

6. Site Plan Amendments

a. Major

Any change in the site plan deemed to be substantial after the Council has approved the plan

shall be resubmitted and considered in the same manner as the original site plan. The site plan shall be prepared in accordance with Section 10-16-1(C) (Procedure) of this Section.

Examples of major changes may include, but are not limited to the following: changes in classification of land as assigned on the approved site development plan, the exterior street connections or major traffic changes. A change in use may go through the minor approval process as long as the change is similar to the type of use approved with the development plan, and if compatibly designed in relation to surrounding uses. Similar shall be defined as a permitted use in the same zoning classification (R-4, C-1 or C-2) as the site in question is listed as on the approved site plan. Areas designated as commercial or "C" shall permit "C-1" uses, and shall only permit "C-2" uses through the major approval process. Areas not designated or designated as residence, multiple family, multiple residence, or office shall permit "R-4" uses.

b. Minor

A site plan shall be prepared in accordance with Section 10-16-1(C) (Procedure) of this Section for any alteration to a site plan located in a "C-P" Planned Commercial District. Minor Site Plan Amendments shall be administratively reviewed by Planning staff. If the change is considered insignificant in nature, staff may approve the change without a review and public hearing before the Commission and City Council.

Examples of minor changes may include, but are not limited to the following: the location, construction, replacement or change in type of signage; change in use of a site to another use classified in the same zoning district; minor change in building locations; or change in the locations of access, driveways, or parking areas. These examples may be carried out through the administrative review and approval of the Planning staff. Multiple pole signs on a single site will be considered as a major change, as described under D7 of this Section.

Minor changes may include additions to an existing building which do not increase the floor area by more than fifty (50) percent of the floor area of the building proposed to be added on to, or new buildings with a floor area not exceeding ten (10) percent of the floor area of all existing or approved principal buildings. Minor changes may also include a change in the location or type of residential structure(s) as long as the overall density (units per acre) is not significantly increased by more than what was previously approved. If staff determines that the magnitude of any such change is significant in nature or could become significant in nature, the change shall be deemed major and the change shall be resubmitted and considered in the same manner as the original site plan in accordance with 10-16-1(C) (Procedure), including a public hearing before the Commission and City Council. In determining if a change is significant in nature the Planning staff shall consider, among other things, the overall

design of the proposed change and its compatibility to the existing development and surrounding development, as well as impact on the neighborhood due to changes in parking, traffic, etc. or changes in visibility or aesthetics from the public roads or adjoining properties caused by the proposed change.

D. Standards.

1. All dedicated streets, sanitary sewers and storm sewers shall be subject to the approval of the City Engineer. Storm water detention facilities should be aesthetically designed, if possible, to blend into site and avoid uses such as rip rap, fencing, etc. that may detract from the intent of the district.
2. No building permit for any building or other structure within the development shall be issued until the final development plan, or amendment thereto, is approved by the City Council.
3. The parking requirements of the Zoning Ordinance shall apply to all developments, except the City Council may, after recommendation from the Commission, alter those requirements to preserve the intent and purpose of this Ordinance.
4. The landscaping requirements of the district shall be considered under Alternative Compliance to create a common plan/theme for the entire district.
5. The minimum yard requirements of the zoning district in which the development is located shall not apply except that the required yard around the perimeter shall be compatible and/or similar to adjacent properties provided around the boundary of the development. However, the Commission

and City Council may require additional setbacks or other requirements if needed.

6. The maximum building height within the development boundaries shall not exceed the maximum height regulations of the zoning district in which it is listed as a permitted use. Exceptions to this requirement may be allowed for development projects/sites that are at least one hundred (100) feet from the development boundaries. Such a request to alter these requirements would be reviewed by the City Council after recommendation from the Commission.
7. The signs shall be in accordance with the sign regulations for the "C-2" District. A common type of design of signage should be noted on the overall plan, although individual sign permits will still be evaluated for size and location. Additional pole signs, beyond the first, shall be required to go through a major change amendment process.

E. Deed Restrictions.

The Commission and/or City Council may consider any deed restrictions or covenants entered into or contracted by the developer concerning the use of common land or permanent open spaces. Common land as herein contained shall refer to land retained in private ownership but intended for the mutual use of businesses of the development. Examples of this include, but are not limited to, shared parking areas, shared storm water retention designs, etc.

F. Commencement and Completion.

The Council may condition the approval of the site plan upon the developer commencing construction on the first phase of the development plan within two (2) years and contingent upon completion of construction and improvements within a reasonable period of

time after Council approval. In determining such time period, the Council shall consider the scope and magnitude of the development. Failure to meet these requirements shall be deemed sufficient cause for the Council, in accordance with the provisions of this Ordinance to rezone the subject property to the zoning classification effective at the time of the original submittal of the petition unless an extension is approved by the Council for due cause shown after recommendation by the Commission.

G. Land Usage.

The land usage, minimum lot area, yard height, and accessory uses shall be determined by the requirements set out in this Section, which shall prevail over conflicting requirements of this Ordinance or the Subdivision Ordinance.

H. Platting Required.

If a final plat, as defined and required by the Subdivision Ordinance, has been ap-

proved and recorded, the site development plan does not need to be recorded unless contradictory to the recorded final plat. If a final plat has not been approved and recorded on any part or portion of the development, the platting procedure must be followed in accordance with the City of Waterloo Subdivision Ordinance No. 2979 on all portions or parts not platted. The site development plan can be resubmitted as a preliminary plat if it meets the preliminary plat requirements. This does not prohibit the platting and development of land within an approved area of the approved district in a phased manner.

10-16-2 BULK REGULATIONS.

The following minimum requirements shall be observed subject to the modified requirements contained in Section 10-27-1:

"C-P" PLANNED COMMERCIAL DISTRICT (4)

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	FRONT YARD DEPTHS ⁽¹⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM HEIGHT & LOT COVERAGE
Residential Uses	The requirements of the R-4 District shall serve as a guide, except that density requirements will be allowed as per D6 of the Standards Section of the R-P Planned Residence District. Otherwise see the Standards Section of this District.						
Commercial Uses	No Minimum	No Minimum	No Minimum	20' or as determined to be compatibly designed. This will allow potential zero lot line developments to design buildings to the front, where appropriate, and have parking to rear. ⁽²⁾	Same as "R-4" District	20' ⁽³⁾ ⁽⁴⁾	No maximums subject to site plan approval.

- (1) The front yard depth of any lot abutting on a "major street" shall be measured from the proposed right-of-way lines as shown on the Official Major Street Plan.
- (2) The front yard setback is required except any commercial use may be built to the nearest front yard depth (from the street right-of-way to the structure) that was legally established. This setback would apply to all structures on the same side of the street between two (2) intersecting streets. On corner lots this may include buildings addressed and/or having their front yard setback facing a different street. [Ordinance 5288, 06/15/15]
- (3) For every additional foot the front yard depth is increased over twenty (20) feet, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet.
- (4) The rear yard setback is required except where an existing principal building on an abutting lot is closer to the rear lot line. In these instances the minimum rear yard setback will be the same as the nearest rear yard depth that was legally established. This provision applies to lots abutting the side yards that are not developed as a reverse frontage lot.

CHAPTER 17 "B-P" BUSINESS PARK DISTRICT

[Ordinance 4636, 8/11/03]

10-17-1 GENERAL REGULATIONS.

A. Intent.

The "B-P" Business Park District is intended and designed to provide a means for the commercial and compatible light industrial development of tracts of land on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method. It is the intent of this Section that the basic principles of good land use planning be maintained and that sound zoning standards as set forth in this Ordinance concerning orderly growth and development, traffic patterns, and compatible design and use be preserved.

The Business Park designation shall work to allow an aesthetically pleasing professional office, commercial, and compatible industrial park setting. The area designated for Business Park locations on the Future Land Use Map, contained within the Comprehensive Plan, direct such developments along major entryways into the community to allow for proper design of traffic movements, as well as promote such land for development. The compatibly designed heavy commercial and light industrial uses allowed in the C-2, C-3 or M-1 Districts may be specifically and selectively authorized by the City Council upon recommendation of the Commission, except that no such uses will be allowed which appear detrimental to the intent of this district. Uses will be compatibly designed to blend in with the built or planned environment and shall incorporate the following elements into their design: building façade, landscaping, signage, screening, and site orientation and layout. Special attention will be paid to outside storage and whether it is limited,

screened, or nonexistent. This shall not be deemed all inclusive and specific uses may require other elements for consideration. Furthermore, the failure to produce an aesthetically compatible site design and layout may result in a specific lot location within the park for such a use, to screen the site appearance from the traveled way, or denial in the use.

B. Uses Permitted.

1. Any uses permitted in the R-4 District excluding residential uses.
2. Any use permitted in the C-1 District, except residential.
3. Any use permitted in the C-2, C-3 or M-1 Districts that is compatibly designed, but not including residential development or delayed deposit service uses, and deemed an appropriate industrial use to the surrounding development. This includes hotel/motel commercial buildings but not residential including, but not limited to, single or multi-family, apartments, etc.

Compatibly designed commercial and industrial uses shall include, but not be limited to, screening and buffering from residential uses, shall be oriented for and designed for efficient traffic flow to major thoroughfares, shall have limited outside storage of materials, and lighting, signage, and shall have building designs that compliment surrounding development. Each site shall be evaluated on an individual basis for these criteria of compatibility. If staff determines that such an industrial use is compatibly designed, it shall approve the request through staff administrative review. If staff determines that such a change does not meet these criteria, the request would need to go back to the Commission and City Council for a formal site plan review process. The Commission and City Council shall review the request as described in the intent of this Section.

C. Procedure.

Whenever any application for a "B-P" Business Park District as an amendment to the Zoning Ordinance is submitted for a particular development, the following procedure shall be utilized to facilitate said amendment:

1. The owner or owners of any tract of land comprising an area of not less than two (2) acres may submit a petition requesting to change to the "B-P" Business Park Zoning District classification.
2. Three (3) copies of the proposed development plan, with planned uses, shall be submitted and referred to the Commission for review and report. The Commission shall then review the proposed development for conformity with the standards of the Comprehensive Plan and with recognized principles of civic design, land use planning and landscape architecture.
3. The Commission may require, in the absence of an appropriate physical barrier along the project boundary, that uses not be in conflict with those allowed in adjoining property or a buffer of open space and/or screening be arranged along the borders of the project.
4. After notice and a public hearing, the Commission may recommend approval or disapproval of the development plan and zoning petition as submitted or require that the petitioner amend the plan to preserve the intent and purpose of this Ordinance to promote public health, safety and general welfare.
5. The development plan and zoning petition as recommended by the Commission shall then be reported to the City Council, whereupon the City Council, after notice and a public hearing, may approve or disapprove said

plan as reported or may require such changes thereto as it deems necessary to achieve the intent and purpose of this Ordinance.

6. Required Documents - Site Development Plan
 - a. A site analysis showing a review of topography, patterns, existing vegetation, sanitary sewer and water service, and major street connections.
 - b. A scaled drawing showing the location of:
 - i. Overall site layout with areas designated for differing uses.
 - ii. Preliminary street layout with pedestrian amenities and overall conceptual drainage plan. This should include connections from abutting streets to proposed development site as well as proposed internal streets. A plan for pedestrian movements, trails and/or sidewalk systems, should be either required or non-required in their entirety to ensure no gaps are created through individual site development.
 - iii. Required peripheral yards.
 - iv. Proposed development stages and timing, if deemed necessary by staff.
 - v. Traffic analysis, if determined necessary by City Traffic Engineer.
 - vi. Name of property owner or owners, legal description of the property, point of compass, scale and date.
 - c. The original site plan detailing proposed development shall be reviewed by the Commission for review and recommendation to the

City Council, where a public hearing would be required. The City Council reserves the right to add conditions as deemed necessary to preserve the intent of this district. However, the applicant may also choose an alternate two-stage public hearing process in which the following would occur:

- i. The applicant would need to submit an overall general site plan with a preliminary layout of streets, types of development, access drives, and a legal description of the property. Such a plan would be forwarded to the Commission for their recommendation on the rezoning of the land only. However, nothing in this Section shall be deemed to constitute approval of subsection (2) below upon approval of this Section.
- ii. If the rezoning of the land only is approved by City Council after review by the Commission, the request must then go to a second public hearing process for the approval of the final development plan. Said final plan would include the criteria listed in subsection (6)(b)(i-vi) above and any additional information deemed necessary by the Commission or City Council. Said final development plan must be approved before any development can occur and before construction of any public infrastructure.

7. Site Plan Amendments

a. Major

Any change in the site plan deemed to be substantial after the Council has approved the plan shall be resubmitted and consid-

ered in the same manner as the original site plan. The site plan shall be prepared in accordance with Section 10-17-1(C) (Procedure) of this Section.

Examples of major changes may include, but are not limited to the following: changes in classification of land as assigned on the approved site development plan, the exterior street connections, or major traffic changes. A change in use may go through the minor approval process as long as the change is similar to the type of use approved with the development plan, and if compatibly designed in relation to surrounding uses. Similar shall be defined as a permitted use in the same zoning classification (R-4, C-1, C-2, M-1) as the site in question is listed as on the approved site plan. Areas not designated or designated as professional office shall permit "R-4" office uses. Areas designated as commercial or "C" shall permit "C-3" uses. Areas designated as industrial, "M" or "I" shall only permit "M-1" uses through the major approval process.

b. Minor

A site plan shall be prepared in accordance with Section 10-17-1(C) (Procedure) of this Section for any alteration to a site plan located in a "B-P" Business Park District. Minor Site Plan Amendments shall be administratively reviewed by Planning staff. If the change is considered insignificant in nature, staff may approve the change without a review and public hearing before the Commission and City Council.

Examples of minor changes may include, but are not limited to the following: the location, construction, replacement or changes in type of signage; change in use of a site to another use classified in the same zoning district; minor change in building locations; or change in the locations of access, driveways, or parking areas. These examples may be carried out through the administrative review and approval of the Planning staff. Multiple pole signs on a single site will be considered as a major change, as described under 10-17-1(D)(7) of this Section.

Minor changes may include additions to an existing building which do not increase the floor area by more than fifty (50) percent of the floor area of the building proposed to be added on to, or new buildings with a floor area not exceeding ten (10) percent of the floor area of all existing or approved principal buildings. If staff determines that the magnitude of any such change is significant in nature or could become significant in nature, the change shall be deemed major and the change shall be resubmitted and considered in the same manner as the original site plan in accordance with 10-17-1(C) (Procedure), including a public hearing before the Commission and City Council. In determining if a change is significant in nature the Planning staff shall consider, among other things, the overall design of the proposed change and its compatibility to the existing development and surrounding development, as well as impact on the neighborhood due to changes in parking, traffic, etc. or changes in visibility or aesthetics from the

public roads or adjoining properties caused by the proposed change.

D. Standards.

1. All dedicated streets, sanitary sewers and storm sewers shall be subject to the approval of the City Engineer. Storm water detention facilities should be aesthetically designed, if possible, to blend into site and avoid uses such as rip rap, fencing, etc. that may detract from the intent of the district.
2. No building permit for any building or other structure within the development shall be issued until the final development plan, or amendment thereto, is approved by the City Council.
3. The parking requirements of the Zoning Ordinance shall apply to all developments, except the City Council may, after recommendation from the Commission, alter those requirements to preserve the intent and purpose of this Ordinance.
4. The landscaping requirements of the district shall be considered under Alternative Compliance to create a common plan/theme for the entire district.
5. The minimum yard requirements of the zoning district in which the development is located shall not apply except that the required yard, around the perimeter, shall be compatible and/or similar to adjacent properties around the boundary of the development. However, the Commission and City Council may require additional setbacks or other requirements if needed.
6. The maximum building height within the development boundaries shall not exceed the maximum height regulations of the zoning district in which it is listed as a permitted use. Exception

to this requirement may be allowed for development projects/ sites that are at least one hundred (100) feet from the development boundaries. Such a request to alter these requirements would be reviewed by the City Council after recommendation from the Commission.

7. The signs shall be in accordance with the sign regulations for the "C-2" District. A common type or design of signage should be noted on the overall plan, although individual sign permits will still be evaluated for size and location. Additional pole signs, beyond the first, shall be required to go through a major change amendment process.

E. Deed Restrictions.

The Commission and/or City Council may consider any deed restrictions or covenants entered into or contracted by the developer concerning the use of common land or permanent open spaces. Common land as herein contained shall refer to land retained in private ownership but intended for the mutual use of businesses of the development. Examples of this include, but are not limited to, shared parking areas, shared storm water retention designs, etc.

F. Commencement and Completion.

The Council may condition the approval of the site plan upon the developer commencing construction on the first phase of the development plan within two (2) years and contingent upon completion of construction and improvements within a reasonable period of time after Council approval. In determining such time period, the Council shall consider

the scope and magnitude of the development. Failure to meet these requirements shall be deemed sufficient cause for the Council, in accordance with the provisions of this Ordinance to rezone the subject property to the zoning classification effective at the time of the original submittal of the petition unless an extension is approved by the Council for due cause shown after recommendation by the Commission

G. Land Usage.

The land usage, minimum lot area, yard height, and accessory uses shall be determined by the requirements set out in this Section, which shall prevail over conflicting requirements of this Ordinance or the Subdivision Ordinance.

H. Platting Required.

If a final plat, as defined and required by the Subdivision Ordinance, has been approved and recorded, the site development plan does not need to be recorded unless contradictory to the recorded final plat. If a final plat has not been approved and recorded on any part or portion of the development, the platting procedure must be followed in accordance with the City of Waterloo Subdivision Ordinance No. 2979 on all portions or parts not platted. The site development plan can be resubmitted as a preliminary plat if it meets the preliminary plat requirements. This does not prohibit the platting and development of land within an approved area of the approved district in a phased manner.

10-17-2 BULK REGULATIONS.

The following minimum requirements shall be observed subject to the modified requirements contained in Section 10-27-1:

"B-P" BUSINESS PARK DISTRICT

USE	LOT AREA	LOT WIDTH	FRONT YARD DEPTHS	LEAST WIDTH ON ANY ONE SIDE	REAR YARD DEPTHS	MAXIMUM HEIGHT & LOT COVERAGE
Professional Office Uses	No minimum	No Minimum	25' ⁽¹⁾	5' except where outside storage would be a possibility, in which a 25' setback ⁽²⁾	25' ⁽³⁾	No maximum, subject to site plan approval
Commercial/Service Uses						
Light Industrial Uses						

- (1) The front yard depth may be modified to meet the front yard depth of existing structures abutting the property. Said front yard depth shall be measured from the property line of said lot.
- (2) The Business Park District, similar to a Planned Residence District, may incorporate zero lot line development, subject to site plan approval, including where buildings would be connected to consider separate parcels as one development site.
- (3) For every additional foot the front yard depth is increased over the minimum setback, the rear yard depth may be decreased in direct proportion thereto, but in the rear yard depth shall not be less than ten (10) feet, unless abutting a railroad spur in which case the setback may be reduced to a zero lot line setback.

CHAPTER 18
"C-3" CENTRAL BUSINESS DISTRICT

[Ordinance 3192, 2/22/82]

10-18-1 REGULATIONS.

The regulations set forth in this Chapter, and contained in Chapter 5 shall apply in the "C-3" Central Business District. The "C-3" Central Business District is designed and intended to accommodate the variety of retail stores, services and related activities which often occupy the area within the Central Business District. "C-3" zoning only shall apply to the existing Central Business District or areas contiguous to the Central Business District. Any outside storage of materials, equipment or product shall be limited and clearly incidental and accessory to the Principal Permitted Use, and shall not include the outside storage of junk or salvage material or similar debris. Outside storage of materials or equipment shall not be permitted in a front yard. This provision shall not restrict the outside storage of licensed and operable vehicles, or unlicensed operable vehicles for sale, that are accessory and clearly incidental to the Principal Permitted Use, and shall not restrict outside display areas when such display areas display items that can be legally

sold by a commercial business on the property and when the display area does not exceed an area equal to the area occupied by the building(s) on a property.

A. Principal Permitted Uses:

- Any use permitted in the "C-2" District, other than delayed deposit service uses.
- Alcohol Sales Uses, provided that no alcohol sales use shall sell or dispense alcoholic beverages via a drive-through or walk-up window or any similar drive-up or drive-in system. Notwithstanding anything in Section 10-5-1(B) to the contrary, any limited alcohol sales use that made use of such a window or system before adoption of Ordinance 4976 on 11/23/2009 shall cease and desist from use of such a window or system, and shall comply with the requirements of this paragraph, no later than December 31, 2012. *[Ordinance 4976, 11/23/09]*
- Automobile Body or Fender Repair Shop. Vehicles not in running condition, not DOT operational and not licensed, machinery, salvage, or used parts shall be located in an enclosed building.

4. Exterminator Sales
5. Manufacturing or Treatment of Products clearly incidental to the conduct of a retail business conducted on the premises
6. Printing and/or Publishing Houses
7. Tire Shop, including vulcanizing and retreading
8. Transportation Passenger Terminals

2. Accessory uses and structures customarily incidental to any permitted principal uses. [Ordinance 4724, 9/20/04]

10-18-2 BULK REGULATIONS.

[Ordinance 3192, 2/22/82]

[Ordinance 4592, 1/6/03]

The following minimum requirements shall be observed, subject to the modified requirements contained in Section 10-27-1:

B. Accessory Uses:

1. Accessory uses permitted in the "C-2" District.

"C-3" CENTRAL BUSINESS DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ⁽¹⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM HEIGHT
Residential Uses	No Minimum	No Minimum	No Minimum	No Minimum	No Minimum	No Minimum	(2)
Mobile Home Parks	2 acres	100 feet	1,250 sq. ft.	SAME AS SPECIFIED IN THE "R-4" RESIDENCE DISTRICT			(2)
Motels/ Hotels	No Minimum	150 feet	No Minimum	20 ft.	10 ft.	20 ft.	(2)
Other Permitted Uses	No Minimum	No Minimum	No Minimum	(3)	(4)	No Minimum	(2)

- (1) The front yard depth of any lot abutting on a "Major Street" shall be measured from the proposed right-of-way line as shown on the Official Major Street Plan.
- (2) No building hereafter erected or structurally altered shall exceed a height of eight (8) stories or one hundred (100) feet, but above the height permitted three (3) feet may be added to the height of the building for each one (1) foot that the building or portion thereof is setback from all sides of the lot. This requirement may be waived upon recommendation and approval by the City Council, after review by the Commission.
- (3) None required unless fronting on the proposed right-of-way of a thoroughfare shown on the Official Street Plan, in which case the building setback line shall be the proposed right-of-way line.
- (4) None except adjacent to an "R" District in which case not less than fifteen (15) feet.

CHAPTER 19 "M-1" LIGHT INDUSTRIAL DISTRICT

[Ordinance 3212, 5/24/82]

10-19-1 REGULATIONS.

The regulations set forth in this Chapter and contained in Chapter 5 shall apply in the "M-1" Light Industrial District.

The "M-1" District is intended to provide for areas of the community which are suitable for industrial development adjacent to Commercial Districts. Any outside storage of materials, equipment or product shall be accessory to the Principal Permitted Use and shall not include the outside storage of junk or salvage material or similar debris except in an approved recycling yard (salvage yard) and except for inoperable vehicles being restored to running condition as part of an automobile repair shop. Any outside storage shall be ef-

fectively screened on each side facing a Residential or Commercial District and on each side facing a public street by a solid fence, wall or densely planted compact hedge not less than six (6) feet or more than eight (8) feet in height.

A. Principal Permitted Uses:

1. Any use permitted in the "C-3" District, except that alcohol sales uses shall meet the regulations of the "C-2" Commercial District [Ordinance 4976, 11/23/09] and except that no occupancy permit shall be issued for any school, hospital, clinic, or other institution for human care, or new dwelling or residence except where physically attached and a part of another permitted use. This restriction shall apply to new dwellings or residences only, and shall not prohibit the rehabilitation, reconstruction, or rebuilding of dwellings or residences in industrial districts that were legally built prior to adoption of Ordinance 2479, adopted 02/03/69. Furthermore, any such legally established dwelling or residence may be rebuilt, if damaged or destroyed, on the same lot as legally established, provided that all other rules and regulations of this Ordinance are met. For the purposes of this Ordinance, any such legally established dwelling or residence is not considered a non-conforming use as defined herein, but is considered a legal use as described in this paragraph. However, such rebuilding must occur within two (2) years of the removal of the original structure or within two (2) years of removal of a legal replacement structure. [Ordinance 3486, 6/15/87] [Ordinance 4614, 5/5/03]
2. Automobile assembly
3. Bag, carpet and rug cleaning; provided necessary equipment is installed

and operated for the effective precipitation or recovery of dust.

4. Bakeries, other than those whose products are sold at retail only on the premises.
5. Welding or other metal working shops, excluding shops with drop hammers and the like.
6. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors, storage and sale of livestock, feed and/or fuel, provided dust is effectively controlled and storage yards for vehicles of a delivery or drying service.
7. Carting, express, hauling or storage yards.
8. Circus, carnivals or similar transient enterprises; provided such structures or buildings shall be at least two hundred (200) feet from any "R" District.
9. Coal, coke or wood yard.
10. Concrete mixing, concrete products manufacture.
11. Copper works.
12. Creamery, bottling works, ice cream manufacturing (wholesale), ice manufacturing and cold storage plant.
13. Enameling, lacquering or japanning.
14. Foundry casting light weight nonferrous metals or electric foundry not causing noxious fumes or odors.
15. Flammable liquids, underground storage only, not to exceed twenty-five thousand (25,000) gallons, if located not less than two hundred (200) feet from any "R" District.
16. Laboratories - experimental, film or testing.
17. Stable, public or private, riding academy or club.

18. Machine shop.
 19. Manufacture of musical instruments and novelties.
 20. Manufacture or assembly of electrical appliances, instruments and devices.
 21. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns.
 22. Manufacture and repair of electric signs, advertising structures, sheet metal products, including heating and ventilating equipment.
 23. Milk distributing station other than a retail business conducted on the premises.
 24. Mini-storage development. [*Ordinance 4683, 4/12/04*]
 25. Sawmill, planing mill, including manufacture of wood products not involving chemical treatment.
 26. The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceutical, and food products except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and the rendering or refining of fats and oils.
 27. The 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.
 28. Automobile Body or Fender Repair Shop. Vehicles not in running condition, not DOT operational and not being actively restored to running condition as well as machinery, salvage, or used parts shall be located in an enclosed building.
 29. Wholesale Lumber Yards or Building Material Sales Yards or Manufacturing Facilities.
 30. Storage Warehouse or Business including mini-storage or storage rental.
 31. Wholesale Warehouse or Business
 32. Recycling, Junk or Salvage Yards upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission and in compliance with the requirements of 10-27-1(H)(8). Any new yard established after the effective date of adoption of this Ordinance shall have a minimum fenced yard area of five (5) acres. This provision shall not restrict the expansion of an existing yard that is less than five (5) acres.
 33. Sales Auction including automotive, farm implement, livestock, furniture/appliances, and similar uses.
 34. Delayed deposit services uses.
- B. Accessory Uses:**
1. Any accessory uses permitted in the "C-3" Commercial District.
 2. Any accessory uses customarily accessory and incidental to a permitted principal use.
- 10-19-2 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.
- 10-19-3 BULK REGULATIONS.**
- [*Ordinance 3908, 12/21/92*]
[*Ordinance 4592, 1/6/03*]

The following minimum requirements shall be observed, subject to modified requirements contained in Section 10-27-1:

"M-1" LIGHT INDUSTRIAL DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ^{(1) (4)}	MINIMUM SIDE YARD	MINIMUM REAR YARD ^(2,3,4)	MAXIMUM HEIGHT AND LOT COVERAGE
Residential Uses	SAME AS SPECIFIED IN THE "R-4" DISTRICT						
Motels/Hotels	No Minimum	150 feet	No Minimum	20 feet	10 feet	20 feet	No building shall exceed four (4) stories or forty-eight (48) feet in height ⁽⁶⁾
Other Permitted Uses	No Minimum			25 feet	Same as "R-4" except abutting to any "R" district in which case not less than 25 feet [Ord. 3908, [12/21/92]	25 feet	

- (1) The front yard depth of any lot abutting on a "Major Street" shall be measured from the proposed right-of-way line as shown on the Official Major Street Plan.
- (2) For every additional foot the front yard depth is increased over the required setback, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet; unless the rear yard adjoins a railroad siding, in which case a loading dock may abut the rear lot line. In addition, if any portion of this rear yard area is used for an enclosed off-street loading space, the area above such an enclosure may be used for building purposes. This regulation shall not apply if the lot in question is adjacent to an "R" District.
- (3) On parcels of land in this district which abut the flood control dikes established as part of the U.S. Army Corps of Engineers Flood Control Project, the minimum rear yard shall be sixteen (16) feet.
- (4) The front yard setback is required except that any commercial or industrial use may be built to the nearest front yard depth (from the street right-of-way to the structure) of a structure that was legally established. This setback would apply to all structures on the same side of the street between two (2) intersecting streets. On corner lots this may include buildings addressed and/or having their front yard setback facing a different street. [Ordinance 4537, 2/4/02] [Ordinance 5288, 06/15/15]
- (5) The rear yard setback is required except where an existing principal building is closer to the rear lot line. In these instances the minimum rear yard setback will be the same as the nearest rear yard depth that was legally established prior to this Ordinance. This provision applies to lots abutting the side yards that are not developed as a reverse frontage lot.
- (6) For every additional foot all yard lines are increased over the required setback, the building height may be increased by two (2) feet, including allowing additional stories, except as further provided in Section 10-27-1.

CHAPTER 20 "M-2" HEAVY INDUSTRIAL DISTRICT

[Ordinance 3212, 5/24/82]

10-20-1 REGULATIONS.

The regulations set forth in this Chapter and contained in Chapter 5 shall apply in the "M-2" Heavy Industrial District. The district is designed to provide for uses, with exterior storage or industrial character, which due to their size and nature may not be compatible with some uses. The district is further designed to permit the normal operation of all industries, subject to prescribed regulation

needed to control congestion and to protect non-industrial uses. Since this is the least restrictive of any district, many uses are permissible which involve hazardous operations or circumstances, or create conditions or effects which, if not properly managed, could be unhealthy, offensive, or injurious to workers or the public-at-large. For this reason, and because the performance standards set forth in this Ordinance provide only limited control, it is necessary that any application for "M-2" District be heavily scrutinized for proper spatial relationship to adjoining districts with respect to prevailing winds, traffic patterns, service facilities such as sewer, water, roads and public safety (police, fire and emergency response), compatibility with sur-

rounding land uses, and other similar considerations.

A. Principal Permitted Uses:

A building or premises may be used for any purpose whatsoever except those listed in subparagraph 1, 2, 3, 4 and 5 below, and except as provided in Section 10-27-1(H):

1. No occupancy or building permit shall be issued for any use in conflict with any ordinance of the City of Waterloo or law of the State of Iowa regulating nuisances.
2. No occupancy or building permit shall be issued for any dwelling, school, hospital, clinic, or other institution for human care, except where physically attached and a part of another permitted principal use. The provisions of 10-19-1(A)(1) shall apply in regards to dwellings legally established prior to adoption of Ordinance 2479, adopted 02/03/69. [Ordinance 4614, 5/5/03]
3. No occupancy or building permit shall be issued for gaming facilities, except upon approval of a Special Permit by the Board of Adjustment after review by the Commission to evaluate the site layout, traffic, and other ordinance and code provisions. The impact upon existing infrastructure and development as well as the overall growth and development of the community will also be reviewed. [Ordinance 4735, 10/18/04]
4. No occupancy or building permit shall be issued for any of the following uses until and unless the location of such use shall have been authorized by the City Council after report from the Fire Department and recommendation by the Commission:
 - a. Slaughter houses or stock yards.
 - b. Manufacturing or wholesale storage of acids.

- c. Cement, lime gypsum, or plaster of paris manufacture.
 - d. Distillation of bones.
 - e. Explosive manufacture or storage.
 - f. Fat rendering.
 - g. Fertilizer manufacture.
 - h. Garbage, refuse or dead animal reduction or dumping.
 - i. Gas manufacturing and cylinder recharging.
 - j. Glue, size or gelatin manufacturing.
 - k. Refining or wholesale storage of petroleum or petroleum products or gasoline.
 - l. Manufacturing of rubber goods.
 - m. Smelting of tin, copper, zinc, or iron ores.
 - n. Waste Disposal or Landfill.
 - o. Waste paper yard.
5. Alcohol Sales Uses, provided said use meets the regulations of the "C-2" Commercial District. [Ordinance 4976, 11/23/09]

B. Accessory Uses:

1. Any accessory uses permitted in the "M-1" Light Industrial District.
2. Any accessory uses customarily accessory and incidental to a permitted principal use.

C. Required Conditions.

1. 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.
2. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least two hundred (200) feet from any "R" District and not less

than one hundred (100) feet from any other district except an "M-1" District.

The following minimum requirements shall be observed, subject to the modified requirements contained in Section 10-27-1:

10-20-2 BULK REGULATIONS.

[Ordinance 3908, 12/21/92]

[Ordinance 4592, 1/6/03]

"M-2" HEAVY INDUSTRIAL DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD ⁽¹⁾ ⁽⁴⁾	MINIMUM SIDE YARD	MINIMUM REAR YARD ^(2,3,5)	MAXIMUM HEIGHT AND LOT COVERAGE
Residential Uses	SAME AS SPECIFIED IN THE "R-4" DISTRICT						
Motels/Hotels	No Minimum	150 feet	No Minimum	20 feet	10 feet	20 feet	No building shall exceed four (4) stories or forty-eight (48) feet in height ⁽⁶⁾
Other Permitted Uses	No Minimum	No Minimum	No Minimum	25 feet	Same as "R-4" District except abutting to any "R" district in which case not less than 25 feet <i>[Ord. 3908, 12/21/92]</i>	40 feet	

- (1) The front yard depth of any lot abutting on a "Major Street" shall be measured from the proposed right-of-way line as shown on the Official Major Street Plan.
- (2) For every additional foot the front yard depth is increased over the required setback, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet; unless the rear yard adjoins a railroad siding, in which case a loading dock may abut the rear lot line. In addition, if any portion of this rear yard area is used for an enclosed off-street loading space, the area above such an enclosure may be used for building purposes. This regulation shall not apply if the lot in question is adjacent to an "R" District.
- (3) On parcels of land in this district which abut the flood control dikes established as part of the U.S. Army Corps of Engineers Flood Control Project, the minimum rear yard shall be sixteen (16) feet.
- (4) The front yard setback is required except any commercial or industrial use may be built to the nearest front yard depth (from the street right-of-way to the structure) of a structure that was legally established. This setback would apply to all structures on the same side of the street between two (2) intersecting streets. On corner lots this includes only buildings addressed and/or having their front yard setback facing a different street. *[Ordinance 5288, 06/15/15]*
- (5) The rear yard setback is required except where an existing principal building on an abutting lot is closer to the rear lot line. In these instances the minimum rear yard setback will be the same as the nearest rear yard depth that was legally established prior to this Ordinance. This provision applies to lots abutting the side yards that are not developed as a reverse frontage lot.
- (6) For every additional foot all yard lines are increased over the required setback, the building height may be increased by two (2) feet, including allowing additional stories, except as further provided in Section 10-27-1.

CHAPTER 21 "M-2,P" PLANNED INDUSTRIAL DISTRICT

10-21-1 REGULATIONS.

A. Intent.

The purpose of this Section of the Ordinance is to permit the establishment of industrial parks and to provide for the orderly planned growth of industries in large tracts of land, allowing greater flexibility and diversification of land uses and building locations. It is also intended that such industrial parks be developed to maximize the potentials of industrial areas and at the same time minimize any adverse effect upon adjacent properties in other zoning districts. It is the intent of this Section that the basic principles of good land use planning be maintained and that sound zoning standards as set forth in this Ordinance concerning orderly growth and development, traffic patterns, and compatible design and use be preserved.

B. Principal Permitted Uses:

1. Any use permitted in the "M-2" Heavy Industrial District.
2. Gaming facilities. The Commission and City Council shall evaluate the site layout, traffic, and other ordinance and code provisions. The impact upon existing infrastructure and development as well as the overall growth and development of the community will also be reviewed. [Ordinance 4735, 10/18/04]

C. Required Conditions.

Prior to the issuance of any building permit for any building or structure in this district, a plan approved by the Commission and City Council, as provided in Section 10-21-1(D) (Procedure) of this Section, shall be on file with the Building Official showing the following information:

1. General plan showing the location of all buildings, internal streets, parking lots, railroad tracks, proposed sanitary and storm sewer lines, and water and power facilities.
2. Building setback lines shown on the plan shall generally be not less than one hundred (100) feet from public streets, Residential (R-1, R-2, R-3, R-4) Districts, or "A-1" Agricultural Districts, however all required setbacks shall be determined through plan review. Such yard areas shall be landscaped and maintained in such a manner as to reflect the intent of the establishment of an industrial park area. Off-street parking may be permitted in all such yard areas, but shall generally not extend closer than forty (40) feet to public right-of-way, Residential (R-1, R-2, R-3, R-4) Districts, or "A-1" Agricultural Districts.
3. For tracts, parcels, lots, or building sites of fifteen (15) acres or less of contiguous commonly owned land, the required setbacks shall be determined through plan review. The objective in the plan review process shall be to preserve the overall character of the greater area in which the development is being constructed. The Bulk Regulations contained in the "M-1", Light Industrial Zoning District shall be used as a general guide in reviewing said development plans. [Ordinance 4165, 5/13/96]
4. On-premise advertising shall be permitted in this district provided that such advertising devices contain information pertaining to the business or industry located upon that site, and is in compliance with Chapter 26 Outdoor Advertising Signs and Billboards.
5. The Planned Industrial District plan shall indicate that all industrial or

commercial uses shall establish performance standards relating to air and water pollution emissions meeting or exceeding standards established by Federal, State or local pollution control ordinances or laws.

6. The parking requirements of the Zoning Ordinance shall apply to all developments, except the City Council may, after recommendation from the Commission, alter those requirements to preserve the intent and purpose of this Ordinance.
7. The landscaping requirements of the district shall be considered under Section 10-5-1(S)(4) (Alternative Compliance) to create a common plan/theme for the entire district.

D. Procedure.

Whenever any application for a "M-2,P" Planned Industrial District as an amendment to the Zoning Ordinance is submitted for a particular development, the following procedure shall be utilized to facilitate said amendment:

1. The owner or owners of any tract of land comprising an area of not less than fifteen (15) acres may submit a petition requesting to change to the "M-2,P" Planned Industrial District classification.
2. Three (3) copies of the proposed development plan, with planned uses, shall be submitted and referred to the Commission for review and report. The Commission shall then review the proposed development for conformity with the standards of the Comprehensive Plan and with recognized principles of civic design, land use planning and landscape architecture.
3. The Commission may require, in the absence of an appropriate physical barrier along the project boundary, that uses not be in conflict with those

allowed in adjoining property or a buffer of open space and/or screening be arranged along the borders of the project.

4. After notice and a public hearing, the Commission may recommend approval or disapproval of the development plan and zoning petition as submitted or require that the petitioner amend the plan to preserve the intent and purpose of this Ordinance to promote public health, safety and general welfare.
5. The development plan and zoning petition as recommended by the Commission shall then be reported to the City Council, whereupon the City Council, after notice and a public hearing, may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to achieve the intent and purpose of this Ordinance.
6. Site Plan Amendments
 - a. Major

Any change in the site plan deemed to be substantial after the Council has approved the plan shall be resubmitted and considered in the same manner as the original site plan. The site plan shall be prepared in accordance with Section 10-21-1(C) (Required Conditions) and Section 10-21-1(D) (Procedure) of this Section.

Examples of major changes may include, but are not limited to, the following: changes in use, the exterior street connections or major traffic changes. A change in use may go through the minor approval process as long as the change is similar to the type of use approved with the development plan.

b. Minor

A site plan shall be prepared in accordance with Section 10-21-1(C) (Required Conditions) and Section 10-21-1(D) (Procedure) for any change to an approved site plan located in a "M-2,P" Planned Industrial District. Minor Site Plan Amendments shall be administratively reviewed by Planning staff. If the change is considered insignificant in nature, staff may approve the change without a review and public hearing before the Commission and City Council. *[Ordinance 4165, 5/13/96]*

Examples of minor changes may include, but are not limited to the following: the location, construction, replacement or change in type of signage; change in use to a similar use approved with the development plan; minor change in building locations; or change in the locations of access, driveways, or parking areas. These examples may be carried out through the administrative review and approval of the Planning staff.

Minor changes may include additions to an existing building which do not increase the floor area by more than fifty (50) percent of the floor area of the building proposed to be added on to, or new buildings with a floor area not exceeding ten (10) percent of the floor area of all existing or approved principal buildings. If staff determines that the magnitude of any such change is significant in nature or could become significant in nature, the change shall be deemed major and the change shall be resubmitted and considered in the same manner as the original site plan in accordance

with Section 10-21-1(C) (Required Conditions) and Section 10-21-1(D) (Procedure), including a public hearing before the Commission and City Council. In determining if a change is significant in nature the Planning staff shall consider, among other things, the overall design of the proposed change and its compatibility to the existing development and surrounding development, as well as impact on the neighborhood due to changes in parking, traffic, etc. or changes in visibility or aesthetics from the public roads or adjoining properties caused by the proposed change.

CHAPTER 22 FLOODWAY AND FLOOD PLAIN DISTRICTS

[Ordinance 3393, 6/10/85]

10-22-1 REGULATIONS.

The regulations set forth in this Chapter and those contained in Chapter 5 shall apply in the Floodway and Flood Plain Districts.

A. General Regulations.

1. Lands to Which Ordinance Applies.

This Ordinance shall apply to all lands within the jurisdiction of the City of Waterloo which uses the Flood Insurance Study (FIS) as a basis for establishing the flood plain zoning districts. These districts are shown on the Official Zoning Map as being the boundaries of the Floodway, Floodway Fringe (designated as Zone AE on the Official Flood Plain Zoning Map), General Flood Plain (designated as Zone A on the Official Flood Plain Zoning Map) and Shallow Flooding (designated as Zone AO or AH on the

Official Flood Plain Zoning Map) Overlay Districts. [Ordinance 5288, 06/15/15] Within these districts, all uses not allowed as Principal Permitted Uses or permissible as Conditional Uses are prohibited unless a Variance to the terms of this Ordinance is granted after due consideration by the Board of Adjustment. [Ordinance 5049, 6/20/11]

2. **Rules for Interpretation of District Boundaries.** The boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding Overlay Districts shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of the boundaries, the City Planner or official designee shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Planner or designee in the enforcement or administration of this Ordinance. [Ordinance 5049, 6/20/11]
3. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
4. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by

man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Waterloo or the Board of Adjustment or an officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

10-22-2 "F-W" FLOODWAY (OVERLAY) DISTRICT.

A. Principal Permitted Uses.

The following uses shall be permitted within the Floodway (Overlay) District to the extent they are not prohibited by other ordinance (or underlying zoning district) and provided they do not require placement of structures, factory built homes, fill or other obstruction, the storage of materials or other equipment, or excavation or alteration of a watercourse. [Ordinance 5395, 04/10/17]

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and crop harvesting.
2. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horse riding trails.

4. Stormwater detention or retention facilities. [Ordinance 5395, 04/10/17]
5. Residential uses such as lawns, gardens, parking areas play areas.
6. Such other open-space uses similar in nature to the above uses.

B. Conditional Uses.

The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, or excavation or alteration of a watercourse may be permitted only upon issuance of a Special Exception Permit by the Board of Adjustment. Such uses must also meet the applicable provisions of the Floodway District Performance Standards. [Ordinance 5395, 04/10/17]

1. Uses or structures accessory to open-space uses.
2. Circuses, carnivals, and similar transient amusement enterprises.
3. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
4. Extraction of sands, gravel, and other material.
5. Marinas, boat rentals, docks, piers, wharves.
6. Utility transmission lines, underground pipelines.
7. Other uses similar in nature to the Principal Permitted and Conditional Uses described herein which are consistent with the Floodway District Performance Standards and the general spirit and purpose of this Ordinance.

C. Performance Standards.

All Floodway District Uses allowed as a Principal Permitted or Conditional Use shall meet the following standards:

1. No use shall be permitted in the Floodway District that would result in

any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

2. All uses within the Floodway District shall:

- a. Be consistent with the need to minimize flood damage.
- b. Use construction methods and practices that will minimize flood damage.
- c. Use construction materials and utility equipment that are resistant to flood damage.

3. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.
4. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the al-

tered or relocated portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources (IDNR).

8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

10-22-3 "F-F" FLOODWAY FRINGE (OVERLAY) DISTRICT.

A. Permitted Uses.

All uses within the Floodway Fringe (Overlay) District (designated as Zone AE on the Official Flood Plain Zoning Map) shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe (Overlay) District. [Ordinance 5288, 06/15/15]

B. Performance Standards.

All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

1. All structures shall (1) be adequately anchored (including factory built homes) to prevent flotation, collapse or lateral movement of the structure, (2) be constructed with materials and utility equipment resistant to flood damage, and (3) be constructed by methods and practices that minimize flood damage.
2. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a min-

imum of 1.0 foot above the 100 year flood level. Construction shall be upon compacted fill which shall at all points be no lower than 1.0 foot above the 100 year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment and issuance of a Special Exception Permit where existing topography, street grades, or other factors preclude elevating by fill.

In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential building shall be provided with a means of access which will be passable by wheeled vehicles during the 100 year flood. [Ordinance 3487, 6/15/87] [Ordinance 5049, 6/20/11]

3. Non-residential buildings - All new or substantially improved non-residential buildings shall have the first floor (including basement) elevated a minimum of 1.0 foot above the 100 year flood level or together with attendant utility and sanitary systems be flood-proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100 year flood; and that the structure below the 100 year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are

- flood-proofed shall be maintained by the City Planner or designee.
4. All factory built homes which are placed in an existing factory built home park or subdivision, shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that (1) over-the-top ties be provided at each of the four corners of the factory built home with two (2) additional ties per side at intermediate locations for factory built homes 50 feet or more in length or one (1) such tie for factory built homes less than 50 feet in length; (2) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points for factory built homes 50 feet or more in length or four (4) such ties for homes less than 50 feet in length; (3) all components of the anchoring system be capable of carrying a force of 4800 pounds; and (4) any additions to the factory built home be similarly anchored. All factory built homes which are placed in an existing factory built home park or subdivision shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level. [*Ordinance 5049, 6/20/11*]
 5. All factory built homes not being placed in existing factory built home parks or subdivisions shall be placed on lots or pads elevated by means of compacted fill so that the lowest floor of the factory built home will be a minimum of one (1) foot above the 100 year flood level. In addition, the tie-down specifications enumerated within subparagraph (d) herein must be met and adequate surface drainage and access for a hauler must be provided. [*Ordinance 5049, 6/20/11*]
 6. New factory built home parks, expansions to existing factory built home parks, and factory built home parks where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds 50% or more of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced shall provide: (1) lots or pads that have been elevated by means of compacted fill so that the lowest floor of factory built homes will be a minimum of 1.0 feet above the 100 year flood level; (2) adequate surface drainage; (3) access for a hauler; and (4) ground anchors for factory built homes. [*Ordinance 5049, 6/20/11*]
 7. Utility and Sanitary Systems.
 - a. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100 year flood elevation. [*Ordinance 5049, 6/20/11*]
 - b. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding. [*Ordinance 5049, 6/20/11*]
 - c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one

- (1) foot above the 100-year flood elevation. *[Ordinance 5049, 6/20/11]*
- d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
8. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (1) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (2) be readily removable from the area within the time available after flood warning.
9. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Iowa Department of Natural Resources (IDNR).
10. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream drainage ditch or other drainage facility or system.
11. The exemption of detached garages, sheds, fences, flag poles and similar structures from the 100 year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents; however, said detached garages, sheds, fences, flag poles and similar accessory type structures are exempt from the 100 year flood elevation requirements when:
- a. The structure shall not be used for human habitation.
- b. The structure shall be designed to have low flood damage potential.
- c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- d. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- e. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed.
- f. For detached garages and sheds a professional engineer licensed in the State of Iowa shall certify that these requirements are met. *[Ordinance 5049, 6/20/11]*
12. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of vehicular access that will remain passable by wheeled vehicles during the occurrence of the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodway Fringe (Overlay) District. *[Ordinance 5049, 6/20/11]*

13. All new and substantially improved structures. *[Ordinance 3487, 6/15/87]*

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

Such areas shall be used solely for parking of vehicles, building access, or low damage potential storage. *[Ordinance 5049, 6/20/11]*

- b. New and substantially improved structures must be designed (or modified) and adequately anchored (including factory built homes) to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- c. New and substantially improved structures must be constructed with electrical, heating, ventila-

tion, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

14. Factory-Built Homes.

- a. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. *[Ordinance 5049, 6/20/11]*
- b. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level. *[Ordinance 3487, 6/15/87]*

10-22-4 "F-P" GENERAL FLOOD PLAIN (OVERLAY) DISTRICT.

A. Principal Permitted Uses.

The following uses, including accessory and customarily incidental uses to the following uses, shall be permitted within the General Flood Plain (Overlay) District (designated as Zone A on the Official Flood Plain Zoning Map) to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not require placement of structures, factory built homes, fill or other obstruction; the storage of materials or equipment; excavation or alteration of a watercourse, unless approved as herein stated. *[Ordinance 5049, 6/20/11] [Ordinance 5288, 06/15/15]*

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and crop harvesting.
2. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.
3. Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horse-back riding trails.
4. Stormwater detention or retention facilities. [Ordinance 5288, 06/15/15]
5. Residential uses such as lawns, gardens, parking areas and play areas.
6. Such other open-space uses similar in nature to the above uses. [Ordinance 5049, 6/20/11]

B. Conditional Uses.

Any use which involves placement of structures, factory built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse may be allowed only upon a determination by the Iowa Department of Natural Resources (IDNR) to determine (1) whether the land involved is either wholly or partly within the floodway or floodway fringe and (2) the 100 year flood level. The applicant shall be responsible for providing the Iowa Department of Natural Resources (IDNR) with sufficient technical information to make the determination. [Ordinance 5049, 6/20/11] [Ordinance 5288, 06/15/15]

C. Performance Standards.

1. All conditional uses or portions thereof to be located in the floodway as de-

termined by the Iowa Department of Natural Resources (IDNR) shall meet the applicable provisions and standards of the Floodway (Overlay) District.

2. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Iowa Department of Natural Resources (IDNR) shall meet the applicable standards of the Floodway Fringe (Overlay) District.

10-22-5 "S-F" SHALLOW FLOODING (OVERLAY) DISTRICT.

A. Permitted Uses.

All uses within the Shallow Flooding (Overlay) District (designated as Zone AO or AH on the Official Flood Plain Zoning Map) shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding (Overlay) District. [Ordinance 5288, 06/15/15]

B. Performance Standards.

The performance standards for the Shallow Flooding (Overlay) District shall be the same as the performance standards for the Floodway Fringe (Overlay) District with the following exceptions:

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the number of feet as specified on the Flood Insurance Rate Map (or a minimum of 2.0 feet if no number is specified) above the highest natural grade adjacent to the structure. [Ordinance 5049, 6/20/11]
2. In shallow flooding the Flood Insurance areas designated as an AH Zone on the Flood Insurance Rate Map, the

minimum flood proofing/flood elevation shall be equal to the elevation as specified on the Flood Insurance Rate Map.

3. In AO and AH zones, require drainage paths around structures on slopes to guide water away from structures. [Ordinance 5049, 6/20/11]

CHAPTER 23
"H-C" HIGHWAY 218
CORRIDOR OVERLAY
DISTRICT

[Ordinance 3698, 2/5/90]
[Ordinance 3805, 8/5/91]

10-23-1 GENERAL REGULATIONS.

A. Boundaries.

The "H-C" Highway 218 Corridor Overlay District shall generally include all real property adjacent to or in close proximity to U.S. Highway 218. The actual boundaries are shown on the official zoning map and legally described in Attachment A to this Section.

B. Purpose and Intent.

The purpose and intent of this Chapter is to establish a Highway Corridor Overlay District for the orderly development of properties located within the Highway 218 Corridor Overlay District. The emphasis of the Highway Corridor Overlay District is to regulate the development within the Highway 218 Corridor in order to promote the health, safety and welfare of the citizens of Waterloo.

New structures, certain modifications to existing structures that require building permits and certain site improvements shall conform to this Chapter thereby achieving the environmental goals of the Land Use Policy Plan.

The provisions of this Chapter shall apply in addition to any other zoning district regulations and requirements in which the land

may be classified. In the case of conflict, the most restrictive provisions shall govern, except as otherwise expressly provided in this Chapter.

C. Definitions.

The following definitions shall apply only for the purposes of this Chapter.

1. **Landscaped Area** - An area not subject to vehicular traffic, which consists of living landscape material, decorative rock, mulch, and similar material.
2. **Vehicular Use Areas** - All areas subject to vehicular traffic including, but not limited to, access ways, driveways, loading areas, service areas, and parking stalls for all types of vehicles. This definition shall not apply to covered parking structures or underground parking lots.
3. **Overstory Tree** - A self-supporting woody plant having at least one well-defined stem or trunk and normally attaining a mature height and spread of at least 30 feet, and having a trunk that may, at maturity, be kept clear of leaves and branches at least eight feet above grade.
4. **Understory Tree** - A self-supporting woody plant having at least one well defined stem or trunk and normally attaining a mature height and spread of less than 30 feet.
5. **Shrub** - A woody or perennial plant with multiple stems.
6. **Living Landscape** - Low growing woody or herbaceous groundcover, turf, shrubs, and trees.
7. **Screen** - An area of planting which provides an effective visual barrier. For a single row the screen shall consist of Spruce, Firs, or Pines spaced at a maximum spacing of 15 feet or a double staggered row of Spruce, Firs, or Pine spaced at a maximum spacing

of 20 feet within each row; for Arborvitae and Juniper the spacing shall be a double staggered row with maximum spacing of 10 feet within each row, or a single row with maximum spacing of 6 feet.

8. **Parking Strip** - That portion of city owned property between the curb line, shoulder line or traveled portion of the roadway or alley and the private property line.
9. **On-premise signs** - A sign on the same property as the activity it advertises.
10. **Off-premise signs** - A sign not entirely on the same property as the activity it advertises.
11. **Strip Mall** - A group of commercial establishments with off street parking on the property that are planned and developed as an architectural unit and are generally positioned in a row with common walls.
12. **Large sites** - Sites with an area equal to or greater than two acres.
13. **Street yard setback area** - The area located between a line parallel and adjacent to the structure and the street right-of-way line.

D. Administrative Regulations.

The provisions of this Chapter shall constitute the requirements for all zones that lie within the boundaries of the Highway 218 Corridor Overlay District. This Chapter shall apply to all new construction, a change in use, or the following alteration or enlargement:

1. A 10% addition or 1000 square feet, whichever is less; or
2. Any alteration which causes a substantial change in the exterior appearance.

Expansion of Existing Uses

For existing uses which will be expanding, the following percent of total points and total landscaped area shall be applied to the project dependent upon the total size of all additions since February 5, 1990:

The lesser of:	Shall require:
10% - 20% addition or 100 square feet	25% of Ordinance requirements
21% - 40% addition or 2000 square feet	50% of Ordinance requirements
41% - 50% addition or 2500 square feet	75% of Ordinance requirements
51% addition or 2501 square feet	100% of ordinance requirements

For those projects which are being reviewed as a result of a proposed substantial change in the exterior appearance, rather than an increase in the floor area, the landscape requirements shall be reviewed using the alternative compliance criteria by the Design Review Board.

In addition to the above this Chapter shall also apply to all sites being developed for the provision of parking as a primary use or for any improvement which results in the provision of or an increase in parking.

This Chapter shall also apply to any additions, alterations, or repairs to existing structures which result in a change in the occupancy classification under the currently adopted Building Code. The City Planner may prorate the requirements herein, based upon the nature and extent of alterations and additions. For projects as indicated above, no certificate of occupancy or building permit shall be issued unless such development project is

found to be in conformance with this Chapter.

E. Alternative Compliance.

In a case where a plan does not comply with the provisions of this Chapter, the Design Review Board may approve the plan only if the following findings are made:

1. The proposed improvements will fulfill an individual and/or community need and will not adversely affect the goals of the Comprehensive Plan; and
2. The proposed improvements, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity; and
3. The proposed improvements will meet the purpose and intent of this Chapter; and
4. The proposed improvements will meet all requirements of the underlying Zoning District. If the proposed improvements do not meet all requirements of the underlying Zoning District, approval of a Variance by the Board of Adjustment is also required.

The Alternative Compliance provision may be applied to large commercial and industrial projects or projects on difficult sites that are unable to meet the requirements as stated in this Chapter. In all cases projects so approved must satisfy the findings described above.

F. Landscape Requirements.

1. Submittal Procedures.

- a. Submittals for landscape approval shall include a separate planting plan showing type, size, and number of plantings; a site plan showing total area and total landscaped area and any supplemen-

tary information as required to demonstrate conformance to the landscape requirements. Any deviations from the approved landscape plan must receive approval from the City Planner or his/her designated representative prior to installation.

- b. The owner, by filing a landscape application, grants the City or its licensed and contracted agent the right to enter upon the land for the purposes of installing the required landscaping, in the event that such landscaping is not in place by the date specified in the agreement, or in the event that such landscaping is not maintained as provided in the agreement. If the City must carry out the applicant's landscaping responsibilities, the cost shall be assessed against the property.

2. Measured Compliance.

The following point schedule and conditions apply to required landscaping in all zones and shall be used in determining achieved points for required planting:

Overstory Trees

4 inch caliper or greater	100 points
3 inch caliper or greater	90 points
2 inch caliper or greater	80 points
Trees with caliper of more than 4 inches	25 points per inch

Understory Trees

2 inch caliper or greater	40 points
1½ inch caliper or greater	30 points
1 inch caliper or greater	20 points

Shrubs

5 gallon or greater	10 points
2 gallon or greater	5 points

Conifers

10 foot height or greater	100 points
8 foot height or greater	90 points
6 foot height or greater	80 points
5 foot height or greater	40 points
4 foot height or greater	30 points
3 foot height or greater	20 points

3. **Minimum Requirements for Designated Zones.**

- a. **"R" Zones** - The minimum required landscape area shall be 45 percent of the lot exclusive of buildings. The yard shall be planted with a combination of trees and shrubs to achieve a minimum of .05 points per square foot of the landscaped area.
- b. **"C-3" Commercial Zone** - The minimum required landscape area shall be 65 percent of the lot exclusive of buildings and parking. The landscape area shall be planted with a combination of trees and shrubs to achieve a minimum of .05 points per square foot of landscaped area.
- c. **"C" and "M" Zones excluding "C-3"** - The minimum required landscape area shall be 25 percent of the total lot area. The landscape area shall be planted with a combination of trees and shrubs to achieve a minimum of .04 points per square foot of total lot area.

4. **Additional Landscaping Requirements.**

The following additional landscaping requirements apply to all zones:

a. **Vehicular Use Areas.**

- i. For vehicular use areas larger than four spaces, an area equivalent to a minimum of five percent (5%) of the total vehicular use area shall be

landscaped. The required landscape area shall be located within the vehicular use area.

- ii. There shall be .04 points per square foot of vehicular use area. The points shall be distributed throughout the vehicular use area and within five feet (5') of the perimeter. The intent is to position the plantings to enhance the overall appearance of the site.
- iii. There shall be sufficient barriers to protect all landscaped areas from vehicular damage.
- iv. Wherever a parking area is located adjacent to City Right-of-Way, the parking area shall be separated from the parking strip by a landscaped area(s) of a width no less than eight feet (8') measured perpendicular to the curb. This area may be required by the Design Review Board to contain an effective visual screen for a minimum of eighty percent (80%) of that parking area. This screen, if required, must be at least 30 inches in height, as measured from the parking area or the street curb, whichever is higher, and may be achieved through the use of landscaped berms or plant materials. If plant materials are used to achieve this screen there will be one (1) point assigned per linear foot of the screen. No individual plant points will be assigned for this screen.
- v. The vehicular use area must terminate at least five feet from any exterior building wall. Exceptions may be made where it is necessary to cross

- the non-vehicular use area to gain access to the building(s) and for drive up facilities such as banks and restaurants and for other difficult sites as determined by the Board.
- vi. All trees in the interior of the vehicular use area shall be two inch (2") caliper or greater measured six inches (6") above grade at the time of planting.
 - vii. Areas less than 40 square feet in size or having an average dimension of less than three feet, shall not be included for purposes of calculating the required landscape area in the vehicular use area.
- b. **Street Tree Planting.** A minimum of 1.5 points per linear foot of street frontage must be achieved in the City parking strip. This point requirement shall be met through the provision of trees, and planting shall comply with the Vegetation Ordinance as set forth in Section 7-5-3 of the Code of Ordinances, as amended. [*Ordinance 5288, 06/15/15*] If circumstances do not allow planting on the city parking, street tree points shall be placed in the street yard setback area.
 - c. **Maintenance.** The owner shall be solely responsible for the maintenance of any and all landscaping. This maintenance shall include but not be limited to, removal of litter, pruning, mowing of lawns, adequate watering for all growing plant life, and also weeding in accordance with the Tree and Shrub Care Guidelines as set forth by the Waterloo Park Commission. The owner shall also be responsible for any replacement,
- as necessary, in order to preserve the landscaping plan as approved by this Section. The responsibility to maintain the landscaping shall include the parking strip located between the private property line and the public street or highway, directly adjacent to the owner's property. An installation and maintenance of landscaping and right to enter agreement shall be signed prior to a building permit being issued, unless otherwise provided by the City Planner.
- d. **Residential Development.** For residential development in other than residential zones, the residential requirements of this Section 10-23-1(F) shall apply.
 - e. **Point Distribution.** A minimum of 65 percent of all required points shall be achieved through tree plantings. A minimum of 10 percent of all required points shall be achieved through living landscape other than trees.
 - f. **Reduction of Landscaped Area.** A point score in excess of that required may be used to reduce the required landscaped area at a rate of one square foot per excess point up to a maximum reduction of 25 percent.
 - g. **Screening.** For any use that is not oriented toward U.S. Highway 218, a screen may be required by the Design Review Board to be installed along the lot line closest to the highway. There will be no individual tree points given for this screen. The screen will receive 3 points per linear foot if the trees are greater than 6 feet in height at the time of planting. The screen will receive 1 point per linear foot if the trees are greater than 4 feet

in height at the time of planting. In no case shall the trees be less than 4 feet at the time of planting. Exceptions to this requirement may be granted by the Design Review Board.

G. Sign Regulations.

GENERAL PROHIBITION: No person shall develop, install, locate, or construct any sign requiring a permit within the Highway 218 Overlay District in the City of Waterloo except as expressly authorized in this Section. The provisions of this Section shall apply in addition to any other zoning district in which land may be classified and that such lands may be used as permitted by such other districts. In the case of conflict the most restrictive provisions shall govern except as otherwise expressly provided in this Section.

1. Permitted Signs.

a. On-premise Signs.

- i. In residential and "A-1" districts, only those signs permitted in the underlying districts shall be allowed.
- ii. Commercial "C-1" and "C-1"/"C-Z"

(a) Freestanding Signs. One post, pole or monument sign per property, not to exceed 40 square feet on each face and not to exceed 20 feet in height. If more than two faces are used the area of each side shall be reduced proportionately.

(b) Wall Signs. Wall signs shall not exceed two (2) square feet in area for every linear foot of wall displaying such sign. Wall signs shall be mounted flat against the building. For the purpose of this Chap-

ter, signs painted on awnings and signs mounted on mansards shall be considered as wall signs.

(c) Directional Signs. Each use shall also be allowed directional signs as necessary to facilitate the orderly flow of traffic with a maximum area of 6 square feet each. A logo or business name is permitted on the directional signs, but shall not exceed two (2) square feet. These signs are for directional, not advertising purposes. The directional signs shall not be included in the calculation of the allowable square footage or location of other signage.

(d) Menu Signs. Single sided menu signs shall be allowed with no advertisement on the back of the sign. Each sign shall have a maximum area of sixty (60) square feet and shall not include a speaker if facing an abutting residential district or residential use. The menu signs shall not be included in the calculation of the allowable square footage or location of other signage.

iii. Commercial "C-2" and All Other Zoning Classifications

(a) Post signs. One Post sign per property, not to exceed 40 feet in height with an area not to exceed the smaller of the following:

- (1) Two square feet for each foot of street frontage.
- (2) 250 square feet.

If more than two faces are used, the area of each side shall be reduced proportionately.

For large sites one additional post sign may be allowed under the following conditions:

- (1) The property has at least one hundred fifty feet (150') of continuous street frontage.
- (2) The additional post sign shall not be located closer than one hundred fifty feet (150') to any other post sign on the same property.
- (3) The maximum combined area for both signs shall not exceed the maximum allowed area for a single post sign in that zone.

Strip malls and multiple businesses with the land under common ownership that share common parking, access, or structures shall be treated as a single property for the purposes of this Section.

For strip malls and multiple businesses with the land under diverse ownership that share common parking, access, or structures, there shall be allowed one post sign per use if

the following conditions are met:

- (i) The additional post sign shall not be located closer than one hundred fifty feet (150') to any other post sign.
- (ii) The maximum combined area for all signs on the site shall not exceed the maximum allowed area for a single post sign in that zone.
- (iii) A sign plan showing the square footage of signage for each parcel shall be submitted by the developer and/or landowners for the entire site prior to a sign permit being issued.

(b) Wall Signs. Wall signs shall not exceed 10% of the wall area; in no case shall the wall signs exceed 10% of the first 15 vertical feet of wall area. The length of a wall sign shall not exceed 2/3 of the building wall length. Wall signs shall be mounted flat against the building. For the purpose of this Chapter, signs painted on awnings and signs mounted on mansards shall be considered as wall signs.

(c) Directional Signs. Each use shall also be allowed directional signs as necessary to facilitate the order-

ly flow of traffic with a maximum area of 6 square feet each. A logo or business name is permitted on the directional signs, but shall not exceed two (2) square feet. These signs are for directional, not advertising purposes. The directional signs shall not be included in the calculation of the allowable square footage or location of other signage.

- (d) **Menu Signs.** Single sided menu signs shall be allowed with no advertisement on the back of the sign. Each sign shall have a maximum area of sixty (60) square feet and shall not include a speaker if facing an abutting residential district or residential use. The menu signs shall not be included in the calculation of the allowable square footage or location of other signage.

- (e) **Roof Signs.** Roof signs shall be allowed in place of the wall sign only when both of the following conditions are met:

- (1) Insufficient area for a wall sign;
- (2) The building has a pitched roof and the roof sign does not project higher than the peak of the roof.

- b. **Off-Premise Signs.** Off-premise signs shall not be allowed in the overlay district. Off-premise signs in existence within the "H-C" District at the time of enactment of

this Section shall be permitted to remain as permitted uses in the underlying zoning district. Existing off-premise signs may be maintained, repaired, reconstructed or replaced in the same location. [*Ordinance 3903, 11/23/92*]

2. **Additional Sign Regulations.** [*Ordinance 3923, 2/15/93*]

Sign permits shall expire 6 months after the date of issuance.

When a business ceases operation the on-premise signage shall be removed by the owner according to the following schedule: Sign or sign cabinet—within 180 days, supporting structure—within 1 year

When off-premise advertising is bare or in disrepair for a period of 90 days it shall be removed. If it is bare or in disrepair for a period of one year the structure shall be removed.

3. **Prohibited Signs.**

The following signs are not considered appropriate within the overlay district and shall not be permitted:

- a. Portable signs
- b. Off-premise signs located on bus benches
- c. Signs painted directly on buildings
- d. Off-premise roof signs

H. Design Review Board.

1. **Purpose.**

The primary purpose of design review is to insure a high degree of aesthetics, to promote quality and compatible development of land uses, buildings, structures and the physical environment of the community within the highly visible Highway 218 Corridor.

Design review encompasses the examination of the below criteria with re-

gard to the aesthetics, appearances, and function of the structure in relation to the site, adjacent structures and surrounding community.

The Design Review Board and Planning Department shall review plans based upon Section 10-22-5(H)(3) as established in this Section of the Zoning Ordinance. The Board must consider the following as well as the guidelines developed by the Board and approved by the Commission:

- a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, trees, drainage, and waterways.
- b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
- c. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably required to determine compliance with this Ordinance.
- d. Architectural elements of exterior building surfaces, including materials.
- e. The proposed structure indicates a sensitivity to and is compatible with the environment, adjacent structures, and enhances the appearance of the surrounding properties.
- f. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on Highway 218 and

to permit vehicles a rapid and safe ingress and egress to the site.

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles; for security purposes and to minimize glare and reflection on adjacent properties. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are purposely shielded from public view and pedestrian areas.
- h. The overall project shall be reviewed for compliance with the City's Comprehensive Plan or special plans that apply to or affect the subject property.

2. Design Review Board.

a. Powers and Duties.

- i. The Design Review Board shall be responsible for reviewing all applications for design review required under this Section.
- ii. The Design Review Board shall have the power to approve or deny applications with or without conditions. If an application is denied the reasons for the denial shall be stated.
- iii. The Design Review Board shall create and maintain a list of design guidelines which it shall apply to all applications. Said guidelines may be amended by a majority vote of the Board.

b. Membership.

- i. Composition - The Design Review Board shall be composed of seven (7) regular members and two (2) ex-officio members. The seven (7) regular

- members shall consist of a minimum of two (2) members at large and a minimum of three (3) members from the following disciplines: architecture, landscape architecture, planning, land development and the arts. The two (2) ex-officio members shall be the City Planner and the Building Official.
- ii. **Appointment** - All members shall be appointed by the Mayor and approved by the City Council.
 - iii. **Residency and Place of Business** - All regular members shall reside in or have their primary place of business in the City of Waterloo, Iowa.
 - c. **Terms of Office.** The term of service on the Design Review Board shall be three (3) years. Each member shall serve until the appointment of a successor. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
 - d. **Removal.** Any Board member shall be removable for cause by the appointing authority by written charges and after public hearing.
 - e. **Quorum and Voting** Four (4) regular members shall constitute a quorum. A majority vote of the quorum shall be required to approve any application. The Chair shall have the right to vote on all issues before the Board. Prior to a decision of the Board, the ex-officio members shall submit a recommendation for each item on the agenda. If an application is denied the Board shall provide a written statement to the applicant in support of its finding.
 - f. **Meetings.** The Board shall meet monthly or at the call of the Chairperson or the City Planner. All meetings shall be open to the public and shall be conducted in accordance with the rules and regulations adopted by the Board.
 - g. **Organization.**
 - i. The Chairperson and Vice-Chairperson shall be elected annually from the members of the Board by a majority vote.
 - ii. The Department of Planning shall provide the necessary staff to assist the Board in the performance of its duties.
 - h. **Conflict of Interest.** Members of the Board shall be governed by the applicable provisions of the Iowa Code, as amended. This provision shall apply from the installation date of the first Board.
3. **Design Review Procedure.**
- a. **Application for Design Review.**

The applicant shall obtain a Design Review application from the Planning Department which shall be responsible for the overall coordination and administration of the Design Review Process. Once the application and appropriate set(s) of plans have been received by the Planning Department and determined to be complete, the Planning Department shall conduct a staff review and prepare a recommendation to the Design Review Board.

Any applicant requesting a review before the Design Review Board shall pay, upon the submission of an application to the Planning De-

partment, a fee in accordance with the Schedule of Fees, as adopted by resolution by the City Council. If a deferment or clarification of conditions is requested by the Board, there will be no additional fee. If the applicant removes his/her file from the agenda after it has been accepted by the Planning Department, the City shall retain the application fee.

The fee schedule is required in order to defray the costs associated with the administration of this Section.

All applications must be submitted a minimum of one week prior to the board meeting to be considered.

Should a question arise as to compliance with the conditions as outlined by the Design Review Board, a clarification review before the Board may be called by any City department having jurisdiction or by the applicant.

Upon receipt of a properly completed application the Planning Department shall notify the applicant of the time and place the review will be held. The Design Review Board shall have full power and authority to consider any application subject to design review under this Section and Planning Department recommendation within a reasonable time from the date of submission of a complete application to the Planning Department. The Board shall announce its decision within three (3) working days of the review. The Design Review Board shall have mandatory powers to approve or deny applications with or without conditions. If an applica-

tion is denied the reasons for the denial shall be stated.

The Design Review Board may require such changes in said plans and specifications as in its judgment may be requisite and appropriate to the maintenance of a high standard of architecture, as established by the standards contained in this Ordinance, the Design Review Board's guidelines and as more specifically outlined in the City's Comprehensive Plan and other specific plans pertaining to the Highway 218 Corridor Overlay District.

Upon approval of an application by the Design Review Board, the City Planner or his/her authorized representative shall stamp and sign the plans. The approved plan shall be part of the Board's official record and shall be maintained on file with the Planning Department.

b. Exemptions.

Exemptions to the design review procedure include the following:

- i. All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment when such work is entirely within the interior of the building; however, the City Planner or designee may approve such building permit applications for minor work on the exterior of buildings.
- ii. Any permit necessary for the compliance with a lawful order of the City related to the immediate public health or safety.

- iii. All permits for interior alterations and repairs.
- iv. All permits for demolition or wrecking.
- v. All one and two family residential properties and accessory uses incidental to the Principal Permitted Use.

4. Building Permit Application.

The applicant or his/her authorized agent shall make application for a building permit. The application shall include the plans which were approved by the Design Review Board and stamped and signed by the City Planner or his/her authorized representative.

No building permit, certificate of occupancy, certification of completion, or occupational license shall be issued unless all the plans, including amendments, notes, revision, or modifications have been approved by the City Planner or designee. Minor modifications to plans that have been approved by the Design Review Board will be permitted when approved by the City Planner or his/her designated representative.

No building permit shall be issued for any plan subject to design review except in conformance with the approved plans. The applicant shall have up to one (1) year from the date of design plan approval to obtain all necessary building permits needed to proceed with construction. If the applicant fails to obtain said building permit(s) within the time period, all staff and Design Review Board approvals shall be null and void and the applicant shall be required to re-initiate the design review process; however, an extension for cause, not

to exceed one (1) year, may be granted by the Board.

An applicant may submit an application for a building permit simultaneously with a design plan review in order to expedite processing. However, no building permit shall be issued until the final design plan has been stamped and signed by the City Planner or his/her authorized representative in accordance with this Ordinance.

5. Special Review Procedure.

For minor work associated with alterations and additions to existing buildings, or the construction repair, or alteration of new or existing walls, at grade parking lots, fences, and signage, the City Planner or his/her designated representative, shall have the authority to approve, approve with conditions or deny an application on behalf of the Design Review Board. Appeal of the City Planner's finding shall be considered by the Board at the next regular meeting date.

6. Appeal.

The applicant or any city department having jurisdiction may appeal any decision of the Design Review Board to the Board of Adjustment pursuant to Chapter 28 of the Zoning Ordinance.

I. Screening/Fencing.

1. Any area used for the outside storage of certain materials as hereinafter described, shall be screened with a landscape screen or an approved fencing alternative to provide a visual barrier. It is the intent to use landscaped screens whenever possible, and a fencing alternative is to be used only in cases where there is insufficient area or other obstacles which preclude the use of the landscaped screen.

The materials subject to this requirement include, but are not limited to the following:

used tires
scrap metal
building materials and supplies
sign materials
concrete forms
used sign panels
junk or salvage vehicles
inoperable vehicles
partially scrapped vehicles
vehicles waiting for repair for more than 30 days
salvage or inoperable appliances
all similar materials

For any area used for the outside storage of items listed above, where a fence alternative is used the fence shall be set back from property lines adjacent to public right-of-way a distance equal to the required building setback of the underlying Zoning District.

The setback area shall be planted with a combination of trees and shrubs to provide a minimum of 1.5 points per linear foot of street frontage in addition to the 1.5 points per linear foot of street frontage required in 10-23-1 (F)(4)(b).

3. If the fencing alternative is utilized all fencing shall be constructed of new materials which provide a uniform appearance and shall be built to meet or exceed the currently adopted Building Code. Acceptable fencing materials include but are not limited to:
 - a. Solid Wood
 - b. Solid Metal

A 50% reduction in required points on the exterior of the fence will be granted for fencing that is constructed from the following materials:

- a. Stone or brick
- b. Concrete with approved design characteristics
- c. Chain link with a hedge that substantially obscures the fence and which will provide a solid appearance within three (3) years of planting.

J. Setback Requirements.

1. To achieve the goals of this Section, the setback requirement shall be fifty feet (50') for all structures abutting:
 - a. Highway 218, or;
 - b. any service or frontage road serving Highway 218, or;
 - c. the railroad if the railroad property is adjacent to Highway 218 or Bluff street;

This setback area shall be used for open space only, except that parking shall be allowed to begin twenty-five feet (25') from the property line.

2. For properties located adjacent to Bluff Street the building setback line shall be twenty-five feet (25'); the setback area shall be used for open space only. No parking or other use shall be allowed in the setback area.
3. For the "C-3" Commercial District the building setback requirements for property abutting Highway 218 right-of-way or the right-of-way of any service or frontage road servicing Highway 218 shall be twenty-five feet (25'). This setback area shall be used for open space only, except that parking shall be allowed to begin twelve and one-half feet (12.5') from the property line.
4. The setback requirements shall apply to new construction. Existing structures that are not in compliance with this Section and wish to expand shall

not increase the non-conformity. Any proposed expansion of an existing non-conforming structure between the existing building line and the required set back line otherwise required in the underlying Zoning District shall be allowed only upon approval of the Design Review Board.

5. For properties which are located in "C-1" and less restrictive zones and are affected by these setback requirements, the required rear yard setback shall be reduced by one foot for each foot the front yard setback is increased beyond that which is required in the underlying zone, provided the property does not adjoin a residential zone. In no case shall the rear yard be reduced to less than ten (10) feet.

K. Use Restrictions.

No new junk yards, salvage yards, recycling yards, or construction storage yards shall be allowed in the "H-C" Highway 218 Corridor Overlay District. Expansion of said uses shall be allowed only through the design review and Board of Adjustment process to expand a legal non-conforming use.

ATTACHMENT A

Commencing at a point 300 feet westerly of the intersection of Corporate City Limits and Highway 218 South; thence continuing 300 feet in even width northerly along Highway 218 and then westerly along I-380 to Hess Road.

Thence northerly along Hess Road and LaPorte Road to the intersection of East Mitchell Avenue; thence westerly along East Mitchell Avenue to the intersection of Dena Street if extended; thence northerly along Dena Street to Byron Avenue, thence westerly on Byron Avenue to Wisconsin Street; thence northerly along Wisconsin Street to Hawthorne Avenue; thence westerly along Hawthorne Avenue to Ohio Street; thence northerly on Ohio Street to Forest Avenue; thence

westerly on Forest Avenue to Minnesota Street; thence northerly along Minnesota Street to Bertch Avenue; thence westerly along Bertch Avenue to Oregon Street; thence northerly along Oregon Street to Williston Avenue; thence westerly along Williston Avenue to Linwood Avenue; thence northerly along Linwood Avenue to South Street; thence following South Street westerly to West Mullan Avenue; thence continuing westerly on Leland Avenue to Sunnyside Avenue; thence southerly on Sunnyside Avenue to Randall Street; thence westerly on Randall Street to Oaklawn Avenue; thence southerly on Oaklawn Avenue to West Wellington; thence westerly on West Wellington if extended to Black Hawk Creek; thence northerly along Black Hawk Creek to Falls Avenue; thence westerly on Falls Avenue to Fletcher Avenue; thence northerly on Fletcher Avenue to Harwood Avenue; thence northwesterly along Harwood Avenue to Knoll Avenue; thence northerly on Knoll Avenue to Rock Island Avenue; thence westerly on Rock Island Avenue to Englewood Avenue; thence northerly on Englewood Avenue to Bismark Avenue; thence westerly on Bismark Avenue to Magnolia Parkway. Thence northerly on Magnolia Parkway to Stratford Avenue; thence westerly on Stratford Avenue to Kirkwood Avenue; thence northerly on Kirkwood Avenue to Upton Avenue; thence westerly on Upton Avenue to Galloway Court; thence northerly on Galloway Court to Maynard Avenue; thence northwesterly on Joy Drive to Gayle Street; thence northerly on Gayle Street to C C & P Railroad; thence northwesterly along railroad to intersection of Faber Road if extended; thence southerly to Rainbow Drive; thence westerly to a point 300 feet westerly of intersection of Rainbow Drive and Greenhill Road; thence following Highway 218 North ROW northerly and westerly 300 feet in even width to West Corporate Limits; thence northerly to a point 300 feet north of ROW; thence easterly 300 feet in even width to 300 feet westerly of Airport Boulevard; thence northerly 300 feet in even

width to West Airline Highway; thence easterly along West Airline Highway to a point 300 feet easterly of Airport Boulevard; thence southerly in 300 feet even width to Cedar River; thence following the Cedar River to the By-Pass Channel; thence following the By-Pass Channel to Conger Street; thence southwesterly on Conger Street to Westfield Avenue; thence along Westfield Avenue to River Road; thence continuing on River Road to West Mullan Avenue; thence continuing on Commercial Avenue to West Second Street; thence southwesterly to West Second Street to Jefferson Street; thence southeasterly on Jefferson Street to West Tenth Street; thence northeasterly on West Tenth Street to Commercial Street; thence southeasterly on Commercial Street to West Twelfth Street; thence southwesterly on West Twelfth Street to Jefferson Street; thence southeasterly on Jefferson Street to West Seventeenth Street; thence northeasterly on West Seventeenth Street to Commercial Street; thence southeasterly on Commercial Street to West Nineteenth Street; thence southwesterly on West Nineteenth Street to Jefferson Street; thence southeasterly on Jefferson Street to LaPorte Road; thence continuing on Paper Mill Street to Gladys Street; thence southerly on Gladys Street to Hawthorne Avenue; thence from Hawthorne Avenue along Sheffield Avenue if extended to East Mitchell Avenue; thence westerly along East Mitchell Avenue to Birmingham Avenue and Iowa Northern Railway; thence southeasterly on Railway ROW to 300 feet northerly of I-380; thence easterly 300 feet in even width to Corporate Limits, thence southerly along southerly Corporate Limits the 300 feet southeasterly of I-380 ROW; thence continuing southwesterly to intersection of Cedar Terrace Drive and Texas Street; thence following Texas Street to East Shaulis Road; thence from East Shaulis Road in 300 feet even width to Corporate Limits.

CHAPTER 24 "H-C" HIGHWAY 20 CORRIDOR OVERLAY DISTRICT

[Ordinance 3970, 9/13/93]

10-24-1 GENERAL REGULATIONS.

A. Boundaries.

The "H-C" Highway 20 Corridor Overlay District shall generally include all real property adjacent to or in close proximity to U.S. Highway 20. The actual boundaries are shown on the official zoning map and legally described as follows:

A parcel of land lying in the following Sections: Section 11, Township 88, Range 13; Section 10, Township 88, Range 13; Section 9, Township 88, Range 13; Section 8, Township 88, Range 13; Section 7, Township 88, Range 13; Section 6, Township 88, Range 13; Section 1, Township 88, Range 14; all in the city of Waterloo, Black Hawk County, Iowa;

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF HESS ROAD AND THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20, THENCE SOUTH 300 FEET, THENCE WESTERLY ALONG A LINE 300 FEET NORMALLY DISTANT OF THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20 TO THE WESTERLY CORPORATE LIMITS, THENCE NORTH TO A POINT 300 FEET NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20, THENCE EASTERLY ALONG A LINE 300 FEET NORMALLY DISTANT OF THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 20 TO THE CENTERLINE OF HESS ROAD, THENCE SOUTH TO THE POINT OF BEGINNING.

B. Purpose and Intent.

The purpose and intent of this Chapter is to establish a Highway Corridor Overlay Dis-

trict for the orderly development of properties located within the U.S. Highway 20 Corridor. The emphasis of the Highway Corridor Overlay District is to regulate the development within the Highway 20 Corridor in order to promote the health, safety and welfare of the citizens of Waterloo.

New structures, certain modifications to existing structures that require building permits and certain site improvements shall conform to this Chapter thereby achieving the environmental goals of the Land Use Policy Plan.

The provisions of this Chapter shall apply in addition to any other zoning district regulations and requirements in which the land may be classified. In the case of conflict, the most restrictive provisions shall govern, except as otherwise expressly provided in this Chapter.

C. Definitions.

The following definitions shall apply only for the purposes of this Chapter.

1. **Landscaped Area** - An area not subject to vehicular traffic, which consists of living landscape material, decorative rock, mulch, and similar material.
2. **Vehicular Use Areas** - All areas subject to vehicular traffic including, but not limited to, accessways, driveways, loading areas, service areas, and parking stalls for all types of vehicles. This definition shall not apply to covered parking structures or underground parking lots.
3. **Overstory Tree** - A self-supporting woody plant having at least one well-defined stem or trunk and normally attaining a mature height and spread of at least 30 feet, and having a trunk that may, at maturity, be kept clear of leaves and branches at least eight feet above grade.
4. **Understory Tree** - A self-supporting woody plant having at least one well defined stem or trunk and normally attaining a mature height and spread of less than 30 feet.
5. **Shrub** - A woody or perennial plant with multiple stems.
6. **Living Landscape** - Low growing woody or herbaceous groundcover, turf, shrubs, and trees.
7. **Screen** - An area of planting which provides an effective visual barrier. For a single row the screen shall consist of Spruce, Firs, or Pines spaced at a maximum spacing of 15 feet or a double staggered row of Spruce, Firs, or Pine spaced at a maximum spacing of 20 feet within each row; for Arbor Vitae and Juniper the spacing shall be a double staggered row with maximum spacing of 10 feet within each row, or a single row with maximum spacing of 6 feet.
8. **Parking Strip** - That portion of city owned property between the curb line, shoulder line or traveled portion of the roadway or alley and the private property line.
9. **On-premise signs** - A sign on the same property as the activity it advertises.
10. **Off-premise signs** - A sign not entirely on the same property as the activity it advertises.
11. **Strip Mall** - A group of commercial establishments with off street parking on the property that are planned and developed as an architectural unit and are generally positioned in a row with common walls.
12. **Large sites** - Sites with an area equal to or greater than two acres.
13. **Street yard setback area** - The area located between a line parallel and adja-

cent to the structure and the street right-of-way line.

D. Administrative Regulations.

The provisions of this Chapter shall constitute the requirements for all zones that lie within the boundaries of the Highway 20 Corridor Overlay District. This Chapter shall apply to all "R-3" or less restrictive uses requiring a building permit for new construction, a change in use or the following alteration or enlargement for:

1. An addition of 10% or 1000 square feet whichever is less; or
2. Sites being developed for the provision of parking as a primary use or for any improvement which results in the provision of or an increase in parking; or
3. Additions, alterations or repairs to existing structures which result in a change in the occupancy classification under the currently adopted Building Code. The City Planner may prorate the requirements herein, based upon the nature and extent of alterations and additions. For projects as indicated above, no certificate of occupancy or building permit shall be issued unless such development project is found to be in conformance with this Chapter.

EXPANSION OF EXISTING USES

For existing uses which will be expanding, the following percent of total points and total landscaped area shall be applied to the project dependent upon the total size of all additions since the adoption of this Section (September 13, 1993):

The lesser of:	Shall require:
10% - 20% addition or 100 square feet	25% of Ordinance requirements
21% - 40% addition or 2000 square feet	50% of Ordinance requirements
41% - 50% addition or 2500 square feet	75% of Ordinance requirements
51% addition or 2501 square feet	100% of Ordinance requirements

E. Alternative Compliance.

The City Planner or a designated representative shall be solely responsible for administering this Chapter. In a case where a plan does not comply with the provisions of this Chapter, the City Planner or a designated representative may approve the plan if the following findings are made:

1. The proposed improvements will fulfill an individual and/or community need and will not adversely affect the goals of the Comprehensive Plan; and
2. The proposed improvements, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity; and
3. The proposed improvements will meet the purpose and intent of this Chapter.
4. The proposed improvements will meet all requirements of the underlying Zoning District. If the proposed improvements do not meet all requirements of the underlying Zoning District, approval of a Variance by the Board of Adjustment is also required.

The Alternative Compliance provision may be applied to large commercial and industrial projects or projects on difficult sites that are unable to meet the requirements as stated in this Section. In all cases, projects so

approved must satisfy the findings described above.

F. Landscape Requirements.

1. Submittal Procedures.

- a. Submittals for landscape approval shall include a separate planting plan showing type, size, and number of plantings; a site plan showing total area and total landscaped area and any supplementary information as required to demonstrate conformance to the landscape requirements. Any deviations from the approved landscape plan must receive approval from the City Planner or his/her designated representative prior to installation.
- b. The owner, by filing a landscape application, grants the City or its licensed and contracted agent the right to enter upon the land for the purposes of installing the required landscaping, in the event that such landscaping is not in place by the date specified in the agreement, or in the event that such landscaping is not maintained as provided in the agreement. If the City must carry out the applicant's landscaping responsibilities, the cost shall be assessed against the property.

2. Measured Compliance.

The following point schedule and conditions apply to required landscaping in all zones and shall be used in determining achieved points for required planting:

Overstory Trees

4 inch caliper or greater	100 points
3 inch caliper or greater	90 points
2 inch caliper or greater	80 points
Trees with caliper of more than 4 inches	25 points per inch

Understory Trees

2 inch caliper or greater	40 points
1½ inch caliper or greater	30 points
1 inch caliper or greater	20 points

Shrubs

5 gallon or greater	10 points
2 gallon or greater	5 points

Conifers

10 foot height or greater	100 points
8 foot height or greater	90 points
6 foot height or greater	80 points
5 foot height or greater	40 points
4 foot height or greater	30 points
3 foot height or greater	20 points

3. Minimum Requirements for Designated Zones.

- a. **"R" Zones** - The minimum required landscape area shall be 45 percent of the lot exclusive of buildings. The yard shall be planted with a combination of trees and shrubs to achieve a minimum of .05 points per square foot of the landscaped area.
- b. **"C" and "M" Zones** - The minimum required landscape area shall be 25 percent of the total lot area. The landscape area shall be planted with a combination of trees and shrubs to achieve a minimum of .04 points per square foot of total lot area.

4. Additional Landscaping Requirements.

The following additional landscaping requirements apply to all zones:

a. Vehicular Use Areas.

- i. For vehicular use areas larger than four (4) spaces, an area equivalent to a minimum of five percent (5%) of the total vehicular use area shall be landscaped. The required

landscape area shall be located within the vehicular use area.

- ii. There shall be .04 points per square foot of vehicular use area. The points shall be distributed throughout the vehicular use area and within five feet (5') of the perimeter. The intent is to position the plantings to enhance the overall appearance of the site.
- iii. There shall be sufficient barriers to protect all landscaped areas from vehicular damage.
- iv. Wherever a parking area is located adjacent to City right-of-way, the parking area shall be separated from the parking strip by a landscaped area(s) of a width no less than eight (8) feet measured perpendicular to the curb.
- v. The vehicular use area must terminate at least five feet from any exterior building wall. Exceptions may be made where it is necessary to cross the non-vehicular use area to gain access to the building(s) and for drive up facilities such as banks and restaurants and for other difficult sites as determined by the City Planner or designee.
- vi. All trees in the interior of the vehicular use area shall be two inch (2") caliper or greater measured six inches (6") above grade at the time of planting.
- vii. Areas less than 40 square feet in size or having an average dimension of less than three feet, shall not be included for purposes of calculating the re-

quired landscape area in the vehicular use area.

- b. **Street Tree Planting.** A minimum of 1.5 points per linear foot of street frontage must be achieved in the City parking strip. This point requirement shall be met through the provision of trees, and planting shall comply with the Vegetation Ordinance as set forth in Section 7-5-3 of the Code of Ordinances, as amended. [*Ordinance 5288, 06/15/15*] If circumstances do not allow planting on the city parking, street tree points shall be placed in the street yard setback area.
- c. **Maintenance.** The owner shall be solely responsible for the maintenance of any and all landscaping. This maintenance shall include but not be limited to, removal of litter, pruning, mowing of lawns, adequate watering for all growing plant life, and also weeding in accordance with the Tree and Shrub Care Guidelines as set forth by the Waterloo Park Commission. The owner shall also be responsible for any replacement, as necessary, in order to preserve the landscaping plan as approved by this Section. The responsibility to maintain the landscaping shall include the parking strip located between the private property line and the public street or highway, directly adjacent to the owners property. An installation and maintenance of landscaping and right to enter agreement shall be signed prior to a building permit being issued, unless otherwise provided by the City Planner.
- d. **Residential Development.** For residential development in other than residential zones, the residen-

tial requirements of this Section shall apply.

- e. **Point Distribution.** A minimum of 65 percent of all required points shall be achieved through tree plantings. A minimum of 10 percent of all required points shall be achieved through living landscape other than trees.
- f. **Reduction of Landscaped Area.** A point score in excess of that required may be used to reduce the required landscaped area at a rate of one square foot per excess point up to a maximum reduction of 25 percent.
- g. **Screening.** For any use that is abutting Highway 20 but is not oriented toward Highway 20, a screen shall be installed along the lot line abutting the highway. There will be no individual tree points given for this screen. The screen will receive 3 points per linear foot if the trees are greater than 6 feet in height at the time of planting. The screen will receive 1 point per linear foot if the trees are greater than 4 feet in height at the time of planting. In no case shall the trees be less than 4 feet at the time of planting. Exceptions to this requirement may be granted by the City Planner if it is determined that adequate design consideration has been given to all aspects of the site that are visible from Highway 20.

G. Sign Regulations.

GENERAL PROHIBITION: No person shall develop, install, locate, or construct any sign requiring a permit within the Highway 20 Overlay District in the city of Waterloo except as expressly authorized in this Section. The provisions of this Section shall apply in addition to any other Zoning District in

which land may be classified and that such lands may be used as permitted by such other districts. In the case of conflict, the most restrictive provisions shall govern except as otherwise expressly provided in this Section.

1. Permitted Signs.

a. On-premise Signs.

- i. In residential and "A-1" districts, only those signs permitted in the underlying districts shall be allowed.
- ii. Commercial "C-1" and "C-1/C-Z"

(a) Post Signs. One post sign per property, not to exceed 40 square feet on each face and not to exceed 20 feet in height. If more than two faces are used the area of each side shall be reduced proportionately.

(b) Wall Signs. Wall signs shall not exceed two (2) square feet in area for every linear foot of wall displaying such sign. Wall signs shall be mounted flat against the building. For the purpose of this Chapter, signs painted on awnings and signs mounted on mansards shall be considered as wall signs.

(c) Directional Signs. Each use shall also be allowed directional signs as necessary to facilitate the orderly flow of traffic with a maximum area of 6 square feet each. A logo is permitted on the directional signs, but shall not exceed two (2) square feet. These signs are for directional, not advertising purposes.

The square footage of directional signs shall not be included in the calculation of the allowable square footage or location of other signage.

- (d) Menu Signs. Single sided menu signs shall be allowed with no advertisement on the back of the sign. Each sign shall have a maximum area of sixty (60) square feet and shall not include a speaker if facing an abutting residential district or residential use. The square footage of menu signs shall not be included in the calculation of the allowable square footage or location of other signage.

iii. Commercial "C-2" and All Other Zoning Classifications

- (a) Post signs. One (1) post sign per property, not to exceed 40 feet in height with an area not to exceed the smaller of the following:

- (1) Two (2) square feet for each foot of street frontage.
- (2) 250 square feet.

If more than two (2) faces are used, the area of each side shall be reduced proportionately.

For large sites one (1) additional post sign may be allowed under the following conditions:

- (1) The property has at least one hundred fifty feet (150') of continuous street frontage.

- (2) The additional post sign shall not be located closer than one hundred fifty feet (150') to any other post sign on the same property.

- (3) The maximum combined area for both signs shall not exceed the maximum allowed area for a single post sign in that zone.

Strip malls and multiple businesses with the land under common ownership that share common parking, access or structures shall be treated as a single property for the purposes of this Section.

For strip malls and multiple businesses with the land under diverse ownership that share common parking, access or structures, there shall be allowed one (1) post sign per use if the following conditions are met:

- (1) The additional post sign shall not be located closer than one hundred fifty feet (150') to any other post sign.
- (2) The maximum combined area for all signs on the site shall not exceed the maximum allowed area for a single post sign in that zone.
- (3) A sign plan showing the square footage of signage for each parcel shall be submitted by the developer and/or

landowners for the entire site prior to a sign permit being issued.

- (b) **Wall Signs.** Wall signs shall not exceed 10% of the wall area; in no case shall the wall signs exceed 10% of the first 15 vertical feet of wall area. The length of a wall sign shall not exceed $\frac{2}{3}$ of the building wall length. Wall signs shall be mounted flat against the building. For the purpose of this Chapter, signs painted on awnings and signs mounted on mansards shall be considered as wall signs. Required directional wall signs may be exempted from this Section upon approval of the City Planner or his/her designated representative.

- (c) **Directional Signs.** Each use shall also be allowed directional signs as necessary to facilitate the orderly flow of traffic with a maximum area of 6 square feet each. A logo or business name is permitted on the directional signs, but shall not exceed two (2) square feet. These signs are for directional, not advertising purposes. The square footage of directional signs shall not be included in the calculation of the allowable square footage or location of other signage.

- (d) **Menu Signs.** Single sided menu sign shall be allowed with no advertisement on the back of the sign. Each

sign shall have a maximum area of sixty (60) square feet and shall not include a speaker if facing an abutting residential district or residential use. The square footage of menu signs shall not be included in the calculation of the allowable square footage or location of other signage.

- (e) **Roof Signs.** Roof signs shall be allowed in place of the wall sign only when both of the following conditions are met:

- (1) Insufficient area for a wall sign;
- (2) The building has a pitched roof and the roof sign does not project higher than the peak of the roof.

- b. **Off-Premise Signs.** Off-premise signs shall not be allowed in the overlay district.

2. Additional Sign Regulations.

Sign permits shall expire six (6) months after the date of issuance.

When a business ceases operation, the on-premise signage shall be removed by the owner according to the following schedule: Sign or sign cabinet—within 180 days, supporting structure—within 1 year.

When off-premise advertising is bare or in disrepair for a period of 90 days, it shall be removed. If it is bare or in disrepair for a period of one (1) year the structure shall be removed.

3. Prohibited Signs.

The following signs are not considered appropriate within the overlay district and shall not be permitted:

Portable signs

Off-premise signs located on bus benches

Signs painted directly on buildings

Off-premise roof signs

H. Screening/Fencing.

1. Any area used for the outside storage of certain materials as hereinafter described, shall be screened with a landscaped screen or an approved fencing alternative to provide a visual barrier. It is the intent to use landscaped screens whenever possible, and a fencing alternative is to be used only in cases where there is insufficient area or other obstacles which preclude the use of the landscaped screen.

The materials subject to this requirement include, but are not limited to the following:

used tires

scrap metal

building materials and supplies

sign materials

concrete forms

used sign panels

junk or salvage vehicles

inoperable vehicles

partially scrapped vehicles

vehicles waiting for repair for more than 30 days

salvage or inoperable appliances

all similar materials

2. For any area used for the outside storage of items listed above, where a fence alternative is used, the fence shall be set back from property lines adjacent to public right-of-way a distance equal to the required building setback of the underlying Zoning District.

The setback area shall be planted with a combination of trees and shrubs to provide a minimum of 1.5 points per linear foot of street frontage in addition to the 1.5 points per linear foot of street frontage required in 10-24-1 (F)(4)(b).

3. If the fencing alternative is utilized, all fencing shall be constructed of new materials which provide a uniform appearance and shall be built to meet or exceed the currently adopted Building Code. Acceptable fencing materials include but are not limited to:

a. Solid Wood

b. Solid Metal

A 50% reduction in required points on the exterior of the fence will be granted for fencing that is constructed from the following materials:

a. Stone or brick

b. Concrete with approved design characteristics

c. Chain link with a hedge that substantially obscures the fence and which will provide a solid appearance within three (3) years of planting.

I. Setback Requirements.

1. To achieve the goals of this Section, the setback requirement shall be fifty feet (50') for all structures abutting Highway 20. This setback area shall be used for open space only, except that parking shall be allowed to begin twenty-five feet (25') from the property line.
2. The setback requirements shall apply to new construction. Existing structures that are not in compliance with this Section and wish to expand shall not increase the non-conformity. Any proposed expansion of an existing

non-conforming structure between the existing building line and the required set back line otherwise required in the underlying Zoning District shall be allowed only upon approval of a Variance by the Board of Adjustment.

3. For properties which are located in "C-1" and less restrictive zones and are affected by these setback requirements, the required rear yard setback shall be reduced by one (1) foot for each foot the front yard setback is increased beyond that which is required in the underlying zone; provided the property does not adjoin a residential zone. In no case shall the rear yard be reduced to less than ten (10) feet.

J. Use Restrictions.

No new junk yards, salvage yards, recycling yards, or construction storage yards shall be allowed in the "H-C" Highway 20 Corridor Overlay district. Expansion of said uses shall be allowed only through the approval of the Board of Adjustment process to expand a legal non-conforming use.

CHAPTER 24A ALCOHOL SALES USE OVERLAY DISTRICTS

10-24A-1 GENERAL REGULATIONS.

A. Boundaries.

The Alcohol Sales Use Overlay Districts are four districts, the boundaries of which are shown on the official zoning map and legally described in Attachment "A" to this Section. Such districts are referred to as the Broadway Avenue district, Logan Avenue district, E. 4th Street district, and Church Row Neighborhood district.

B. Purpose and Intent.

The purpose and intent of this Chapter is to establish Alcohol Sales Use Overlay Districts to avoid undue concentration of certain alcohol uses in designated areas already populated by significant numbers of alcohol sales uses, to mitigate the secondary effects of certain alcohol sales uses, to preserve and protect neighborhoods from deterioration and loss of property value due to incompatible uses, and otherwise to promote the general purposes of the zoning ordinance.

The provisions of this Chapter shall apply in addition to any other zoning district regulations and requirements in which the land may be classified. In the case of conflict, the most restrictive provisions shall govern, except as otherwise expressly provided in this Chapter.

C. Administrative Regulations.

The provisions of this Chapter shall constitute the requirements for all zones that lie within the boundaries of any of the Alcohol Sales Use Overlay Districts.

D. Use Restrictions.

No new alcohol sales uses shall be established in an Alcohol Sales Use Overlay District, other than (1) incidental alcohol sales uses, (2) a limited alcohol sales use (on-premise consumption) that is a restaurant, or (3) a limited alcohol sales use (off-premises consumption) that is (a) a grocery store in which the retail floor space in the building equals or exceeds 15,000 square feet or (b) a pharmacy. Expansion of alcohol sales uses other than those specifically identified above in this paragraph shall be allowed only through approval by the Board of Adjustment process to expand a legal non-conforming use. [Ordinance 5465, 9/4/18]

ATTACHMENT "A"

Broadway Avenue Overlay District

Beginning at the intersection of the centerlines of W. Parker Street and Fairview Ave-

nue; thence South along the centerline of Fairview Avenue and an extension of the centerline of Fairview Avenue to its intersection with the Northeasterly line of the Cedar River; thence Southeasterly along the Northeasterly line of the Cedar River to its intersection with the centerline of E. Third Street; thence Northeasterly along the centerline of E. Third Street to its intersection with the centerline of Franklin Street; thence Northwesterly along the centerline of Franklin Street to its intersection with the centerline of Oak Avenue; thence North along the centerline of Oak Avenue to its intersection with the centerline of Utica Street; thence Northeasterly along the centerline of Utica Street to its intersection with the centerline of Lincoln Street; thence Northwesterly and Northerly along the centerline of Lincoln Street to its intersection with the centerline of Bratnober Street; thence West along the centerline of Bratnober Street to its intersection with the centerline of Columbia Street; thence North along the centerline of Columbia Street to its intersection with the centerline of the Canadian and National Railroad; thence Northwesterly along the centerline of the Canadian and National Railroad to its intersection with the centerline of Ackermant Street; thence North along the centerline of Ackermant Street to its intersection with the centerline of W. Parker Street; thence West along the centerline of W. Parker Street to its intersection with the centerline of Fairview Avenue and the point of beginning.

Logan Avenue Overlay District

Beginning at the intersection of the centerlines of Franklin Street and E. Mullan Avenue; thence Northwesterly along the centerline of Franklin Street to its intersection with the centerline of Oak Avenue; thence North along the centerline of Oak Avenue to its intersection with the centerline of Utica Street; thence Northeasterly along the centerline of Utica Street to its intersection with the centerline of the former Illinois Central Railroad Beltline (abandoned); thence Northerly along the centerline of the former Illinois Central

Railroad Beltline (abandoned) to its intersection with the centerline of the Canadian and National Railroad (formerly Illinois Central Railroad); thence Southeasterly along the centerline of the Canadian and National Railroad to its intersection with the centerline of E. Mullan Avenue (also known as U.S. Highway 63); thence Southerly and Southwesterly along the centerline of E. Mullan Avenue to its intersection with the centerline of Franklin Street and the point of beginning.

E. 4th Street Overlay District

Beginning at the intersection of the centerlines of Franklin Street and E. Second Street; thence Northeasterly along the centerline of E. Second Street to its intersection with the centerline of Walnut Street; thence Northwesterly along the centerline of Walnut Street to its intersection with the centerline of Pine Street; thence East along the centerline of Pine Street to its intersection with the centerline of Iowa Street; thence North along the centerline of Iowa Street to its intersection with the centerline of Dane Street; thence West along the centerline of Dane Street to its intersection with the Centerline of E. Mullan Avenue (also known as U.S. Highway 63); thence North along the centerline of E. Mullan Avenue to its intersection with the centerline of the Webster Street right-of-way; thence East along the centerline of the Webster Street right-of-way and the centerline of Webster Street to its intersection with the centerline of Ankeny Street; thence North along the centerline of Ankeny Street to its intersection with the centerline of Ricker Street; thence East along the centerline of Ricker Street to its intersection with the centerline of Linn Street; thence South along the centerline of Linn Street to its intersection with a line drawn between the Southeasterly corner of Lot 4, Block 7, Hammond and Hopkins Addition and the Southwesterly corner of Lot 7, Block 6, Hammond and Hopkins Addition; thence Westerly in a straight line to the intersection of the centerlines of E. Fourth Street and Dane Street; thence South along the centerline of E.

Fourth Street to its intersection with the centerline of Walnut Street; thence Southeasterly along the centerline of Walnut Street to its intersection with the centerline of the Union Pacific Railroad; thence Southwesterly along the centerline of the Union Pacific Railroad to its intersection with the centerline of Franklin Street; thence Northwesterly along the centerline of Franklin Street to its intersection with the centerline of E. Second Street and the point of beginning.

Church Row Neighborhood Overlay District

Beginning at the intersection of the centerlines of South Street and W. Mullan Avenue; thence Northeasterly along the centerline of South Street to its intersection with the centerline of Washington Street; thence Southeasterly along the centerline of Washington Street to its intersection with the centerline of W. Sixth Street; thence Southwesterly along the centerline of W. Sixth Street to its intersection with the centerline of Randolph Street; thence Southwesterly in a straight line to the intersection of the centerlines of W. Sixth Street and Wellington Street; thence continuing Southwesterly along the centerline of W. Sixth Street to its first intersection with Grant Avenue; thence continuing Southwesterly along the centerline of W. Sixth Street to its second intersection with Grant Avenue; thence Northwesterly along the centerline of Grant Avenue to its third intersection with W. Sixth Street; thence Southwesterly along the centerline of W. Sixth Street to its intersection with Allen Street; thence Northwesterly along the centerline of Allen Street to its intersection with the centerline of W. Fifth Street; thence Southwesterly along the centerline of W. Fifth Street to its intersection with the centerline of Baltimore Street; thence Southeasterly and Southerly along the centerline of Baltimore Street to its intersection with the centerline of Pleasant Street; thence West along the centerline of Pleasant Street to its intersection with the centerline of W. Fifth Street; thence Southwesterly along the centerline of W. Fifth Street to its intersection with the cen-

terline of Bayard Street; thence South along the centerline of Bayard Street to its intersection with the centerline of Williston Avenue; thence West along the centerline of Williston Avenue to its intersection with the centerline of Kimball Avenue; thence North along the centerline of Kimball Avenue to its intersection with the centerline of Reber Avenue; thence East along the centerline of Reber Avenue to its intersection with the centerline of Sullivan Avenue; thence North along the centerline of Sullivan Avenue to its intersection with the centerline of W. Second Street; thence Northeasterly along the centerline of W. Second Street to its intersection with the centerline of South Street; thence Northwesterly along the centerline of South Street to its intersection with the centerline of W. Mullan Avenue and the point of beginning. And also, beginning at the intersection of the centerlines of Williston Avenue and Kimball Avenue; thence Southerly along the centerline of Kimball Avenue to its intersection with the centerline of Carolina Avenue; thence Easterly along the centerline of Carolina Avenue to its intersection with the centerline of Vermont Street; thence Northerly along the centerline of Vermont Street to its intersection with the centerline of Williston Avenue; thence Westwesterly along the centerline of Williston Avenue to its intersection with the centerline of Kimball Avenue and the Point of Beginning.

CHAPTER 25 VEHICULAR USE, PARKING AND LOADING AREAS, PUBLIC GARAGES, PARKING LOTS AND FILLING STATIONS.

10-25-1 OFF-STREET LOADING SPACES REQUIRED.

[Ordinance 4634, 8/11/03]

A. Regulations.

In any district, except the "C-3" Central Business District, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for every twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet.

1. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length.
2. Such space may occupy all or any part of required yard or court space or as specifically provided in the district in which it is located.

10-25-2 OFF-STREET PARKING AREA REQUIRED.**A. Scope of Regulations.**

[Ordinance 3050, 10/1/79]

[Ordinance 4634, 8/11/03]

In all districts, except the "C-3" Central Business District, "S-1" Shopping Center, "M-2,P" Planned Industrial District, "C-P" Planned Commercial District, "B-P" Business Park District, and "R-P" Planned Residence District in connection with every industrial, commercial, business trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the regulations of this Section and subject to any

restrictions contained elsewhere in this Ordinance for the district in which such facilities are located.

1. In the "C-3" District, for the purpose of minimizing disruptive curb-cuts and driveways and to encourage the consolidation of parking space in appropriate locations, accessory off-street parking is not required.
2. For parking facilities located in "S-1" Shopping Center, "M-2,P" Planned Industrial, "C-P" Planned Commercial, "B-P" Business Park, and "R-P" Planned Residence Districts, the schedules set forth in this Section shall generally be the maximum. The actual parking requirements shall be determined during the review of the site plan by the Commission in view of the flexibility of the guidelines for these particular districts.

B. General Requirements.

[Ordinance 3050, 10/1/79]

[Ordinance 3335, 4/23/84]

[Ordinance 4634, 8/11/03]

1. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein or if the use changes to a use that requires additional parking facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use and for any existing deficiency in parking or loading facilities.

For uses in existence as of the date of non-conformity, a similar use may occupy the building without providing additional parking.

2. All parking spaces required by this Ordinance must be provided on the same lot and zoning classification as the use in question or, if applicable, in the adjacent less restrictive zoning classification, except in the case of owners of property that are non-conforming as to parking requirements as of the date of non-conformity. In such a case, the owner may provide additional parking as long as it is within the 200 feet of the lot for the use in question, subject to the approval of the Board of Adjustment.
3. Off-street parking spaces, including the adjacent area used for turning movements necessary to enter or leave the parking spaces, may be located in any yard except the required front yard setback area stated in the Bulk Regulations in an Agriculture District or a Residence District, except one and two family dwellings and except multi-family row dwellings meeting the requirements of 10-25-2(B)(18), and unless otherwise specifically restricted by this Ordinance. *[Ordinance 5288, 06/15/15]* New vehicular use areas shall be allowed to match the setback, including being built in required front yard setback areas, if adjacent property on the same side of the street and within the same block (or 300' distance in absence of block development) is located within said areas.
4. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements governing location of accessory parking spaces in relation to the use served and adhered to. No parking space or portion thereof shall serve as a required space for more than one use unless the use is associated with a multi-use building and approved by the Board of Adjustment after recommendation by the Planning Department.
5. In cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same possession as the lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long term lease, the term of which is to be determined by the Board of Adjustment, and such deed or lease shall be filed with the Recorder of Deeds of Black Hawk County. The deed or lease shall require such owner or his or her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.
6. No part of any vehicular use area or parking space shall be closer than five (5) feet to any established street right-of-way, alley (except when the alley abutting the parking is paved as approved by the City Engineer), or lot line. This shall allow for a reasonably designed entryway for the access from the property line, but shall not allow for a lengthy access drive closer than the required setback. In case two (2) or more permitted parking areas of different ownership or use abut, the five (5) foot setback shall not be required along those portions that abut if cross-traffic access between the parking areas is provided. This requirement does not apply to one and two family dwelling units.
7. It is desirable that all parking areas be aesthetically improved to reduce obtrusive characteristics such as those inherent to their uses. Whenever practical, such parking areas shall be effectively screened from general pub-

lic view by incorporating the natural landscaping and topography with introduction of additional planting and grading to accomplish this desire.

All parking areas for more than four (4) spaces shall be aesthetically improved in accordance with the Landscaping Regulations of Section 10-5-1(S).

[Ordinance 3907, 12/21/92]

8. Where a parking facility does not abut on a public street, there shall be provided an access drive not less than ten (10) feet in width in the case of a dwelling and not less than twenty (20) feet in width in all cases leading to the loading or unloading spaces and parking or storage area required hereunder. Except where provided in connection with the use permitted in a residential district, such easement of access or access drive shall not be located in any residential district.
9. Every parking lot shall be so arranged as to provide for the orderly and safe loading or unloading and parking and storage of self-propelled vehicles. All off-street parking facilities fronting on a public street shall be so designed so as to permit entrance and exit by forward movement of the vehicle. The backing or backward movement of vehicles from an off-street parking facility onto a public street shall be strictly prohibited, except for one and two family dwellings and except multi-family row dwellings meeting the requirements of 10-25-2(B)(18). *[Ordinance 5288, 06/15/15]* The minimum driveway width between two rows of parking stalls shall be fifteen (15) feet for 45 degree angled parking, nineteen (19) feet for 60 degree angled parking or for 45 degree and 60 degree herring bone pattern parking, and twenty-four (24) feet for 90 degree parking. The minimum driveway width when other than between two rows of parking stalls shall be fifteen (15) feet for one-way access and twenty (20) feet for two-way access.
10. The City Planner or representative shall be responsible for reviewing and approving the layout of all parking facilities in order to meet the stipulations of these regulations. In addition, in case any building, structure, or use is not specifically mentioned herein, the provisions for a use which is mentioned and to which said use is similar shall apply.
11. Screening and Landscaping: All open parking areas containing more than four (4) parking spaces shall be effectively screened as defined herein on each side adjoining property situated in a Residence District or any institutional premises, except when the adjoining property is used for professional office or multi-family, by a wall or densely planted compact hedge, except if the closest point of such parking area is at least one hundred (100) feet from the nearest residential or institutional property line or across a street. For such parking areas separated from property situated in a Residence District or any institutional premises by an alley, the screen shall be required except along approved points of access, provided that the points of access are not more than twenty-four (24) feet wide and not less than thirty-six (36) feet apart. Points of access more than twenty-four (24) feet wide or closer than thirty-six (36) feet apart shall be allowed if the screen is installed on the opposite side of the alley with agreement of the property owner(s).
12. Lighting: Any lighting used to illuminate any off-street parking area or any area(s) used for non-residential

purposes shall be so arranged as to reflect the light away from adjoining residential premises. [Ordinance 3442, 6/16/86]

13. **Parking Space:** The minimum size of a parking stall shall be nine (9) feet by eighteen (18) feet, or one hundred and sixty two (162) square feet, excluding the area necessary for access and maneuvering. When calculating the number of spaces required under this Ordinance, a fractional space shall require an additional space.
14. **Site Plan:** Any application for a building permit or for an occupancy certificate where no building permit is required, shall include a site plan, drawn to scale, and fully dimensioned showing any off-street parking or loading facilities, points of access to be provided, and an adequate number of handicap parking spaces.
15. **Floor Area:** In calculating the floor area as it applies to these regulations all multiple stories including basements used as a part of the use in question, or all leasable area designed for tenant occupancy, shall be added together to get a total floor area. Areas used only for mechanical, warehouse, storage, or other similar uses may be excluded. Also areas to be used for seasonal display or garden areas may be excluded. The property owner must provide documentation of the use of all areas to be excluded from the floor area calculation. A change in use to a non-excluded use will require the area to be included in the floor area calculation for determination on the number of parking spaces required.
16. **Parking Lot Expansion Surfacing:** Any expansion of an existing parking lot must be properly graded, drained and hard surfaced as per Section 10-25-2(D), Off-Street Parking Area Required. This includes expansions of existing parking lots that are **not** hard surfaced. This does not mean that the existing gravel lot or lots must be properly drained or hard-surfaced, just the parking expansion area.
17. **Existing Parking Lot, New Surfacing:** Any existing parking lot that is being surfaced for the first time or reconstructed must be properly graded, drained and hard surfaced as per Section 10-25-2(D), Off-Street Parking Area Required. [Ordinance 3947, 6/7/93]
18. **Multi-family row dwellings:** Multi-family row dwellings with individual driveways providing parking spaces(s) in the required front yard setback area and designed to permit the entrance or exit by backward movement of vehicles onto or off of a public street shall be permitted when the portion of said multi-family row dwelling that abuts the end of the driveway is set back at least forty (40) feet from the public street or streets that the driveways connect to. This provision shall apply to multi-family row dwellings built on individual lots with zero lot line development between interior units, or multi-family row dwellings built as condos with individual ownership of each building unit but common ownership of the land. However, this provision shall only apply when individual units occupy the full height and depth of the building and will not apply to stacked units, with individual units occupying different floors or different portions of the depth of the same floor (i.e., front and back units). [Ordinance 5288, 06/15/15]
19. **Parking Availability:** The minimum parking spaces required by this Section shall be available for their intended use, including employees and cus-

tomers of the use, and no such required parking spaces shall be obstructed with items such as, but not limited to, sales or repair vehicles, seasonal or permanent displays, equipment, etc., however the City Planner or representative shall have the authority to consider isle parking in front of such sales or repair vehicles, seasonal or permanent displays or equipment if there is sufficient space without blocking traffic flow. [Ordinance 5288, 06/15/15]

C. Design and Maintenance.

[Ordinance 3947, 6/7/93]

[Ordinance 4634, 8/11/03]

1. **Plan:** Except for single and two family residential uses, the construction plans for the design of parking lots shall be subject to the approval of the City Engineer. The design shall show: the use the parking lot is serving, set back from all property lines, stall and aisle layout with dimensions, handicapped stalls, pedestrian movement considerations, driveway locations with dimensions, existing ground elevations, proposed ground elevations, storm sewer system and storm water detention plan(s) with calculations, surfacing material and thickness. The design plan must also comply with other provisions of this Section and the landscaping requirements. [Ordinance 3947, 6/7/93]
2. **Surfacing and access:** All off-street vehicular use and parking areas, except for those uses listed in Subsection 4 below, shall be surfaced with a minimum of a four-inch Hot Mix Asphalt (HMA) on a six-inch rock base or five inches of Portland Cement Concrete (PCC), or other pavement design approved by the City Engineer as long as it is similar to HMA or PCC. Rock treated with oil or emulsion, an oil or

emulsion treated surface, or seal coat shall not be approved. This shall include any and all access to the site. [Ordinance 3947, 6/7/93]

Vehicular access from street to right-of-way line or within an alley shall be constructed to the requirements of the City of Waterloo Driveway and Sidewalk Specifications. Furthermore, no access shall be allowed off the end of a dead-end street without proper extension and turn-around or cul de sac improvements. Existing access off the end of a dead-end street shall not be widened, improved or used as an access for an increased number of Principal Permitted Uses without proper extension and turn-around or cul de sac improvements.

For temporary construction access and/or sites with an approved phased development plan, all such entrances shall be approved by the City Engineer and only allowable while actual construction is in progress. Actual construction shall be defined as a valid building permit in place and construction progress being made on an ongoing basis as determined by the Building Official.

If a permit is not necessary for the type of work, a timeline must be submitted by the property owner(s) requesting a temporary access – as a parking lot is not a Principal Permitted Use by itself in many zoning districts. If any timeline is to extend beyond a single construction season or one year, whichever is longer, approval must be granted by the Board of Adjustment.

In granting such temporary accesses, the City Engineer shall evaluate each site to allow the best temporary access for the community. Such criteria shall include: traffic, impact upon existing

development and neighborhoods, sight distances, impact on street conditions, pavement thickness and design, and any other criteria deemed necessary to properly evaluate such an access decision.

Any temporary access for construction sites and/or phased plans as of the date of non-conformity shall be continued as long as actual construction is in progress, as defined above. Any stop in actual construction or in between phases of development shall be cause for the access to be removed and reapplied for from the City Engineer. The use of more than one temporary access shall be at the discretion of the City Engineer, based on the criteria stated in this paragraph above. Furthermore, the extension of any existing temporary access beyond a single construction season or one year, whichever is longer, shall require approval by the Board of Adjustment.

All temporary accesses shall be constructed and maintained to be dust-free.

3. **Drainage and detention:** All vehicular use and off-street parking areas shall be graded and drained to dispose of surface water accumulation in a manner approved by the City Engineer and in accordance with the City's Stormwater Ordinances. [Ordinance 3947, 6/7/93] [Ordinance 5288, 06/15/15]

All detention areas located within the area between the building and street right-of-way line shall be designed to allow for maintenance in a mow-able, green space, or decorative retaining block type design. The use of riprap or similar materials shall be minimal in this area, used sparingly as necessary for the functioning of the drainage and detention plan.

4. **Exceptions to hard surfacing:** Off-street parking areas and vehicular use areas for the following uses shall not be required to be hard surfaced as provided in Subsection 2 above:

- a. Off-street parking areas and vehicular use areas in other than the front yard of any single family or two family residence. After July 1, 2015 no single family or two family dwelling shall be constructed or moved onto a property without a properly hard surfaced driveway and off-street parking areas when located in the front yard, and no existing one or two family dwelling shall add or reconstruct a driveway or off-street parking area when located in the front yard without proper hard surfacing. No existing dwelling (single or other) shall be converted to add additional units without all required off-street parking and vehicular use areas being properly hard surfaced. [Ordinance 5288, 06/15/15]
- b. Any Principal Permitted Use in an "A-1" Agricultural District or for an agricultural use in other than the "A-1" District
- c. Temporary accesses in compliance with Subsection 2 above
- d. Access to a wireless communications tower

D. Parking Space(s) Required.

[Ordinance 3323, 2/6/84]

1. **Auction Establishments.** One (1) parking space for each one hundred (100) square feet of gross floor area indoors and one (1) parking space for each one thousand (1,000) square feet of display area outdoors.

2. **Animal Hospital, Veterinary Clinic or Kennel.** One (1) parking space for each two hundred fifty (250) square feet of gross floor area, excluding animal exercise areas.
3. **Automobile, mobile homes, motorcycle and other vehicle sales and service garages.** One (1) parking space for each five hundred (500) square feet of floor area.
4. **Banks, Businesses and Professional Offices - Except Doctors' Offices.**
 - a. **For Offices Under 50,000 Square Feet.** One (1) parking space for each three hundred (300) square feet of floor area.
 - b. **For Offices Over 50,000 Square Feet of Gross Floor Area.** One (1) parking space for every four hundred (400) square feet of gross floor area or one (1) parking space for every two (2) employees on the maximum work shift; whichever is greater.
5. **Barber and Beauty Shops.** Two (2) spaces for each operator.
6. **Bowling Alleys.** Five (5) spaces for each alley and one parking space for each four (4) spectator seats.
7. **Car Wash.** Two (2) stacking spaces for each washing bay, one (1) stacking space for each vacuuming unit, plus one (1) space for every two (2) employees.
8. **Churches/Religious Facility.** One (1) parking space for each four (4) persons of maximum occupancy of the sanctuary, auditorium or main hall, as provided by the currently adopted Building Code.
9. **Community Center, Museum or Art Gallery.** One (1) space for every two hundred fifty (250) square feet of floor area devoted to patron use, or one (1) space for every five (5) persons of maximum occupancy of patron use area as provided by the currently adopted Building Code, whichever is greater.
10. **Contractor Business, including Carpenter and Cabinet Shop, Plumbing and Heating Shop, Roofing Shop, Sheet Metal Shop, Sign Painting Shop, and similar uses.** One (1) parking space for each two hundred fifty (250) square feet of office floor area and one (1) space for each two (2) persons employed on the maximum shift.
11. **Correction Facility.** One (1) space for each two (2) employees on the maximum shift plus one (1) space for each twenty five (25) inmates.
12. **Dance Halls and Assembly Halls.** One (1) parking space for each one hundred (100) square feet of floor area devoted to patron use or one (1) parking space for each four (4) persons of maximum occupancy of patron use area as allowed by the currently adopted Building Code, whichever is greater.
13. **Day Care Center.** One (1) space for each two (2) employees on the maximum shift, plus one (1) space for each fifteen (15) attendees.
14. **Medical Doctor's Offices or Dental Clinics.** One (1) parking space for each two hundred (200) square feet of floor area.
15. **Dwellings, Residential.** Two (2) parking spaces for each dwelling unit, a maximum of fifty (50) percent of the parking spaces required may be represented by garage spaces.
 - a. **Multi-family Elderly Housing Projects.** One parking space for every two (2) units plus five (5) visitor parking stalls for every forty (40) units or part thereof.

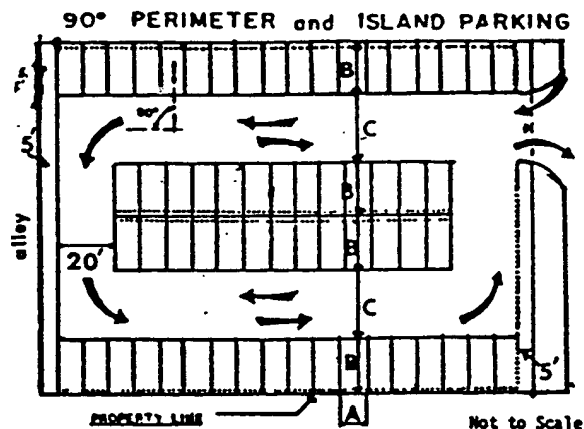
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- b. **Dormitories.** One (1) parking space for each four (4) students that can live in the dormitory.
 - c. **Group Home.** Two (2) spaces per dwelling unit, plus one (1) space for every resident supervisor. [*Ordinance 3775, 3/18/91*]
 - d. **Halfway House.** One (1) space for every two (2) beds. [*Ordinance 3775, 3/18/91*]
 - e. **Boarding House and Rooming House.** Two (2) parking spaces per dwelling plus one (1) space for every room used for boarding purposes.
16. **Funeral Homes and Mortuaries.** Fifteen (15) parking spaces or one (1) parking space for each four (4) persons of maximum occupancy of the auditorium(s), whichever is greater.
20. **Furniture, Appliance or Home Improvement Store.** One (1) parking space for each five hundred (500) square feet of floor area.
21. **Health/Sport Clubs.** One (1) space for every one hundred (100) square feet of exercise floor area plus two (2) spaces per court.
22. **Hospital, Sanitariums and Rest Homes.** One (1) parking space for each four (4) patient beds and one (1) parking space for each two (2) employees on the maximum working shift.
23. **Hotels, Motels, and Bed and Breakfast.** One (1) parking space for each room offered for accommodations. Any restaurant, bar or assembly uses shall be calculated separately.
24. **Industrial and Manufacturing Plants.** One (1) parking space for each two (2) employees on the maximum working shift.
25. **Launderette or Laundries.** One (1) space for every two hundred (200) square feet of gross floor area.
26. **Pool and Billiard Halls, Taverns, Bars and Night Clubs.**
- a. One (1) parking space for each fifty (50) square feet of floor area devoted to patron use within the establishment, or one (1) parking space for every three (3) persons of maximum occupancy, as allowed by the currently adopted Building Code, whichever is greater. [*Ordinance 3442, 6/16/86*]
 - b. One (1) parking space for every one hundred fifty (150) square feet of area devoted to patron use outside the establishment. [*Ordinance 3442, 6/16/86*]
27. **Restaurants.** [*Ordinance 3102, 9/22/80*]
- a. **Standard Type.** [*Ordinance 3442, 6/16/86*]
 - i. One (1) parking space for each one hundred (100) square feet of floor area devoted to patron use within the establishment, with a minimum of at least ten (10) spaces.
 - ii. One (1) parking space for every two hundred (200) square feet of area devoted to patron use outside the establishment.
 - b. **Fast Food Type.**
 - i. With a drive-up window – one (1) parking space for every two and one half (2.5) seats with a minimum of at least ten (10) spaces.
 - ii. Without a drive-up window – one (1) parking space for every two (2.0) seats with a minimum of at least ten (10) spaces.
 - c. **Fast Casual Type.**

-
- i. With a drive-up-window – one (1) parking space for every three (3.0) seats with a minimum of at least ten (10) spaces.
 - ii. Without a drive-up window – one (1) parking space for every two and one half (2.5) seats with a minimum of at least ten (10) spaces.
 - d. **Drive Up Only.** Where there is only a drive up and/or walk up window and no seating provided either within or outside the establishment, there shall be a minimum of five (5) spaces.
28. **Retail Stores, Supermarkets, Drug and Sundries Stores, Convenience Stores and Gas Stations, and Department stores, etc.** [*Ordinance 3102, 9/22/80*]
- a. For stores under five thousand (5,000) square feet, one (1) parking space for every two hundred (200) square feet of floor area with a minimum of at least ten (10) spaces.
 - b. For stores between five thousand (5,000) and fifty thousand (50,000) square feet, one (1) parking space for every two hundred fifty (250) square feet of floor area.
 - c. For stores over fifty thousand (50,000) square feet, one (1) parking space for every three hundred (300) square feet of floor area.
29. **Schools and Other Places of Educational Instruction.**
- a. **Elementary, junior high and other places of under driving-age students.** One (1) parking space for each person regularly employed on the premises. In addition, one (1) parking space for each classroom.
 - b. **High Schools.** One (1) parking space for each person regularly employed on the premises. In addition one (1) parking space for each six (6) students at maximum occupancy.
 - c. **Colleges, trade schools and other places of young adult learning.** One (1) parking space for every person regularly employed on the premises. In addition, one (1) parking space for each two (2) students at maximum occupancy.
 - d. Parking spaces required by a, b, and c above shall be included as part of the requirements for sports arenas, auditoriums, etc.
30. **Shelter or Mission.** One (1) space for each two (2) employees on the maximum shift, plus one (1) space for each five (5) occupants.
31. **Sports Arenas, Theaters, Auditoriums, Racetracks and Other Similar Places of Public Assembly.** One (1) parking space for each four (4) persons of maximum standing and seating capacity.
32. **Stables, Riding Academies and Clubs, and Riding Arenas.** One (1) space for each five (5) stalls and one (1) space for each four (4) persons of maximum seating capacity of permanent seating associated with an arena.
33. **Warehouses.** One (1) space for each two (2) persons regularly employed on the premises.
34. **Wholesale Establishments.** One (1) space for each two (2) persons regularly employed on the premises and one (1) space for each two thousand (2,000) square feet of floor area.
35. **Any Commercial Use not Otherwise Specified.** One (1) space for each three hundred (300) square feet of floor area.

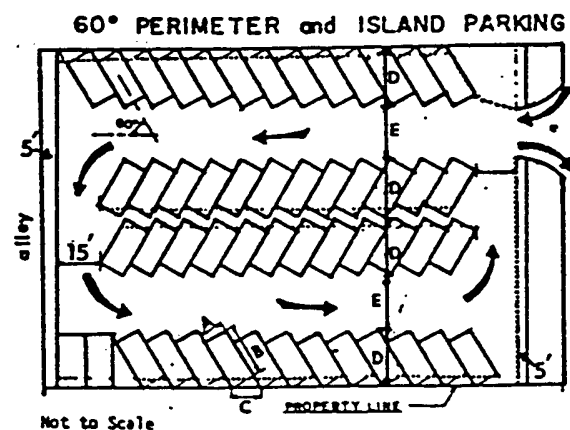
36. **Public Facilities not specifically mentioned.** The number of parking spaces shall be determined by the City Council after recommendation of the Commission.

GUIDELINES FOR OFF-STREET PARKING

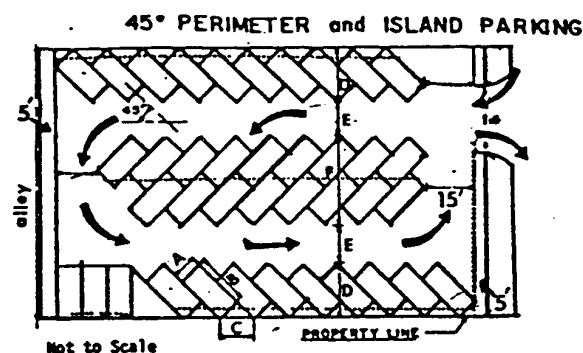
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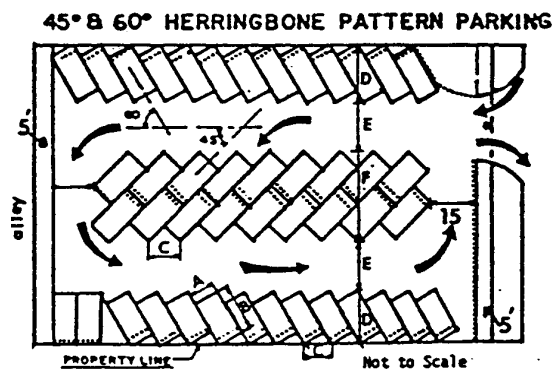
90° PERIMETER AND ISLAND PARKING			
		PARKING SPACE	
		REGULAR	HANDICAP
Stall Width	A	9'	13'
Stall Length	B	18'	18'
Driveway Width	C	24'	24'



60° PERIMETER AND ISLAND PARKING			
		PARKING SPACE	
		REGULAR	HANDICAP
Stall Width	A	9'	13'
Stall Length	B	18'	18'
Curb Length/Car	C	10.5'	14'
Stall Depth	D	19'	19'
Driveway Width	E	19'	19'



45° PERIMETER AND ISLAND PARKING			
		PARKING SPACE	
		REGULAR	HANDICAP
Stall Width	A	9'	13'
Stall Length	B	18'	18'
Curb Length/Car	C	13'	17'
Stall Depth	D	17.5'	17.5'
Driveway Width	E	15'	15'
Island Width	F	32'	



Curb cut permission and driveway design subject to City Engineer's Department.

Parking Standards are Guidelines and do not represent all possible layouts.

45° & 60° HERRING BONE PATTERN PARKING			
		PARKING SPACE	
		REGULAR	HANDICAP
Stall Width	A	9'	13'
Stall Length	B	18'	18'
Curb 45°	C	13'	17'
Length/ 60°		10.5'	14'
Car			
Stall 45°	D	17.5'	17.5'
Depth 60°		19'	19'
Driveway Width	E	19'	19'
Island Width	F	32'	

HANDICAPPED PARKING REQUIREMENTS

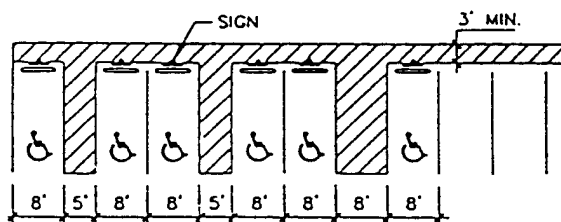
Not a part of Zoning Ordinance

**Accessible Parking Spaces
(Required Minimum)**

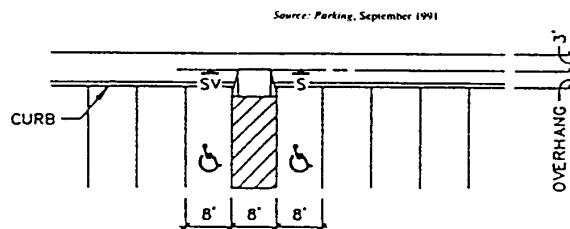
Total Parking Spaces in Lot	Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
200 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2*
1001 and over	20**

*Percent of total.

**Plus one space for each 100 over 1,000.



Multiple Spaces Required



Two Spaces Required

10-25-3 FILLING STATIONS, PUBLIC GARAGES AND PARKING LOTS.

- No gasoline filling station or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles or a parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.
- No gasoline filling station or public garage shall be permitted where any oil draining pit or fuel filling appliance is located within twelve (12) feet of any street line or within twenty-five (25) feet from any "R" District, except where such appliance or pit is within a building.

CHAPTER 26 OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

[Ordinance 4724, 9/20/04]

10-26-1 OUTDOOR ADVERTISING SIGNS AND BILLBOARDS.

A. General Intent.

Signs are one of the most prominent visual elements of a street. If well designed, they add interest and variety to

building facades and attract customers. On the other hand, signs more than any other single feature can detract from even the most attractive storefront if erected without care. It is the intent of the City of Waterloo not to unduly restrict outdoor advertising signs. However, placement and construction of outdoor advertising signs should be compatible with surrounding land uses and preserve property values of surrounding properties, should protect existing businesses which are adequately identified and advertised from a proliferation of signs which reduce the effectiveness of individual signs, should not distract adjoining residences, and should not distract nor reduce sight distance for vehicular traffic.

For all of the foregoing reasons, we deem the following to be our purpose in enacting this chapter: to ensure that signs are designed, located, constructed, erected and maintained so as to preserve the public safety of motorist and pedestrians and to preserve and promote the natural beauty and character of the City in a manner that will protect property values, create a more attractive economic and business climate, promote and aid tourism which is declared to be of importance to the economy of the City, protect pedestrians and motorists from damage or injury caused by improperly situated signs, promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Waterloo

B. Definitions.

1. **Abandoned sign:** A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.
2. **Animated sign:** A sign employing actual motion or the illusion of motion.
3. **Awning:** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.
4. **Awning sign:** A sign displayed on or attached flat against the surface or surfaces of an awning.
5. **Back-lit Awning:** An awning with a translucent covering material and a source of illumination contained within its framework.
6. **Banner:** A flexible substrate on which copy or graphics may be displayed.
7. **Banner sign:** A sign utilizing a banner as its display surface
8. **Billboard:** "Billboard" as used in this Ordinance shall include all structures regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located. Also referred to as an Off-Premise Advertising Sign. [Ordinance 5395, 04/10/17]
9. **Building elevation:** the entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.
10. **Canopy:** An overhead structure supported by cantilevers from the building or extends from the building and

- is supported by columns at additional points.
11. **Changeable sign:** A sign with the capability of content change by means of manual or remote input.
 12. **Combination sign:** A sign that is supported partly by a pole and partly by a building structure.
 13. **Copy:** Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.
 14. **Development Complex Sign:** A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.
 15. **Directional Sign:** Any sign that is designed and erected for the purpose of providing direction and/ or orientation for pedestrian or vehicular traffic.
 16. **Double-Faced sign:** A sign with two faces, back to back.
 17. **Electric Sign:** A sign activated or illuminated by means of electrical energy.
 18. **Electronic Message Sign or Center:** An electrically activated changeable sign whose variable message capability can be electronically programmed.
 19. **Exterior Sign:** Any sign placed outside a building.
 20. **Flashing Sign:** An "Animated Sign" that is electronically activated".
 21. **Illuminated Sign:** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).
 22. **Monument Sign:** A freestanding sign, such as a stone or sculpture or other monument used for advertising with good design standards and aesthetics that typically exceed that of a pole sign. The base of post(s), if used, shall be at least $\frac{3}{4}$ the width of the overall sign and be fully enclosed, except that post signs less than six (6) feet in height and forty (40) sq.ft. in area shall not be required to be enclosed and shall be considered monument signs. On corner lots, no monument sign shall be erected within the triangular area formed by the intersection of the lot lines and a line connecting two (2) points each located ten (10) feet from the intersection of the lot lines of the corner of the lot located at the intersection, unless the monument sign does not exceed two and one-half ($2\frac{1}{2}$) feet above the grade.
 23. **Multiple-faced Sign:** A sign containing three or more faces.
 24. **On-Premise Sign:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
 25. **Off-Premise Sign:** A sign other than an on-premise sign. Bus benches with advertising are signs, but are regulated by Section 7-2B-3 of the City of Waterloo Code of Ordinance. Also referred to as a Billboard. [Ordinance 5395, 04/10/17]
 26. **Pole or Post Sign:** A freestanding sign principally supported by pole(s) or post(s) affixed to the ground and not supported by a building.
 27. **Political Sign:** A temporary sign intended to advance a political statement, cause or candidate for office.
 28. **Portable Sign:** Any sign not permanently attached to the ground or to the building (see Temporary Sign).

29. **Projecting Sign:** A sign attached to the building that projects from the building (usually perpendicular to the building).
30. **Real Estate Sign:** A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.
31. **Revolving Sign:** A sign that revolves 360 degrees about an axis.
32. **Roof Line:** The top edge of a peaked roof.
33. **Roof Sign:** A sign mounted on, and supported by, the main roof portion of a building.
34. **Sign:** Any structure or device designed or intended to convey information to the public in written or pictorial form for the purpose of bringing the subject thereof to the attention of the public. Flags displayed from flagpoles or staffs will not be considered to be signs.
35. **Temporary Sign:** A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.
36. **Wall Sign:** A sign that is in any manner affixed to any exterior wall of a building or structure and projects not more than 18 inches from the building or structure wall.
37. **Window Sign:** A sign affixed to or painted on the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

C. Regulation of All Signs.

The regulations contained in this chapter shall apply to and regulate signs in all Districts except the "H-C" Highway Corridor Overlay Districts. No sign shall be located, erected, or maintained except in compliance with these regulations. All signs shall be considered as accessory uses to a Principal Permitted Use, except for off-premise advertising signs and billboards. All signs may be erected up to the property line, unless otherwise specified in this Ordinance. Such signs shall obtain a building permit and zoning approval prior to construction.

1. Exemptions: The regulations contained in this Section shall not apply to:
 - a. Traffic control signs or devices;
 - b. Signs located within buildings, excluding Home Occupations, or within public sports complexes or facilities;
 - c. Official signs of a non-commercial nature erected by public utility companies;
 - d. "For Sale" and "Garage Sale" type signage less than six (6) square feet on private property. Said signage shall be removed when the sale is completed; and
 - e. Political signs on private property in compliance with the Code of Iowa.
2. Prohibited Signs:
 - a. Non-exempt signs in street rights-of-way excluding approved signs in the "C-2" and "C-3" District, and subdivision signs as provided in this Section; and
 - b. Signs which resemble traffic control signs or devices.

- c. With respect to the premises of any establishment that is a limited alcohol sales use (off-premise consumption), except as set forth below, any sign that includes any image or verbiage that makes use of the words "alcohol," "beer," "wine," "liquor," or any variant or synonym of any such word, or any type of such beverage, or that indicates or suggests that such beverages may be purchased in or upon the premises, except that banner, portable and temporary signs shall be allowed if conforming to the requirements of Section 10-26-1(C)(4)(j) and if not in violation of Iowa Code § 123.51. The limitations of this paragraph shall not apply to establishments located in the "C-3" Commercial District, to any grocery store in which the retail floor space in the building equals or exceeds 15,000 square feet, or to a pharmacy. *[Ordinance 5465, 9/4/18]*

3. Off-Premise Advertising Signs and Billboards:

Off-Premise Advertising is a traditional and legitimate advertising medium involving the lawful use of private property. The term Off-Premise Advertising Signs and Billboards shall be considered synonymous. *[Ordinance 5395, 04/10/17]*

Off-Premise Advertising should be regulated to provide for safe structures to be properly located so as to meet uniform standards for construction and maintenance and to be maintained to conform to a neat and pleasant community appearance.

In all districts where permitted (C-2, C-3, M-1, and M-2, excluding corridor overlay districts), billboards shall have a prime message area not to exceed

300 square feet. Billboards may exceed 300 square feet for unique site characteristics including, but not limited to, setbacks, surrounding land uses and structures, spaciousness and visibility. Such a request over the 300 square foot limit must follow the procedure by applying for a Special Permit from the Board of Adjustment. In no case shall the Board of Adjustment grant a Special Permit that exceeds 672 sq. ft., and an embellishment, trim and skirt-ing area not to exceed an additional 150 sq. ft. The maximum allowable height as measured from natural grade at the base of the sign to the top of the structure is 48 feet with the minimum height being 10 feet from natural grade at the base of the sign to the bottom of the structure. The structures shall be a monopole steel design, with the paint and sign material maintained in a new condition. All billboard sign structures, including the outermost edge of the sign panel, must be setback from the immediate abutting street right-of-way line or property line equal to the setback of the underlying Zoning District. Billboard structures shall not be permitted within 1000 feet of another billboard structure measured in either direction along both sides of the street which adjoins the billboard structure, measured from the base of structure to the base of structure in a straight line regardless of grade. Furthermore, no billboard structure shall be permitted closer than 200 feet from a residential Zoning District or from the property boundaries of any property which has a principal residential use located thereon, nor closer than 200 feet from the property boundaries of a public park, church, school cemetery, hospital, the property boundaries of any historic district established by state law or local ordinance, or the

property boundaries of any structure listed on the National Register of Historic Places. In addition, vertical stacking of separate sign panels on a billboard structure shall be prohibited. On corner lots, no billboard shall be erected within the triangular area formed by the intersection of the lot lines and a line connecting two (2) points each located 100 feet from the intersection of the lot lines of the corner of the lot located at the intersection. [Ordinance 3050, 10/1/79] [Ordinance 4521, 10/22/01] [Ordinance 4724, 9/20/04]

4. All Districts:

a. Home Occupations shall be allowed one (1) nameplate displaying the name of occupant or occupation, not exceeding two (2) square feet in area, non-illuminated, attached flat to the main structure or visible through a window.

b. Directional Signs shall be allowed as necessary, excluding home occupations, to facilitate the orderly flow of traffic with a maximum area of six (6) square feet each. A logo or business name is permitted on the directional signs, but shall not exceed two (2) square feet. These signs are for directional, not advertising purposes. The directional signs shall not be included in the calculation of the allowable square footage or location of other signage.

c. Abandoned Signs - When a business ceases operation the on-premise signage shall be removed by the owner according to the following schedule:

Sign and/or sign cabinet—within 30 days. Supporting structure—within 180 days

When off-premise advertising is bare or in disrepair for a period of 90 days it shall be removed. If it is bare or in disrepair for a period of 180 days the structure shall be removed.

d. Maintenance - All signs together with all of their supports, braces, guys, and anchors, shall be kept in repair and in proper state of preservation and working order. The display surfaces of all signs shall be kept painted or posted at all times.

The City Planner or designee may order the removal of any sign that is not maintained in accordance with this Section after sixty (60) days from receipt of notice by owner of said sign.

e. Non-Conforming Signs - If a sign is enlarged or relocated, it must comply with the code. If it is repaired or changed in any other way and the costs to do this exceed 35% of replacing the sign, it must be replaced and all code requirements must be followed. Historic signs or signs with historical significance in the "C-3" District as determined by the Main Street Waterloo Design Review Board may be allowed to continue after review and recommendation of the Main Street Waterloo Design Review Board to the Board of Adjustment.

f. Strip development or strip malls with the land under common ownership that share common parking, access, or structures shall be treated as a single property for the purposes of this Section. Strip development or strip malls with the land under diverse ownership that share common parking, access, or

structures shall be allowed one freestanding sign per use or unit if the following conditions are met:

- i. The additional freestanding signs(s) shall not be located closer than one hundred fifty (150) feet to any other freestanding sign within the overall development.
- ii. For developments with individual uses or units under ten thousand (10,000) square feet, the maximum combined area for all freestanding signs on the overall site shall not exceed the maximum allowed area for a single freestanding sign in that zone. For developments with all individual uses or units over ten thousand (10,000) square feet, the maximum combined area for all freestanding signs on the individual use or unit site shall not exceed the maximum allowed area for a single freestanding sign in that zone.
- iii. A sign plan showing the square footage of signage for each parcel shall be submitted by the developer and/or landowners for the entire site prior to a sign permit being issued. *[Ordinance 4774, 06/06/05] [Ordinance 4841, 10/16/06]*
- g. Menu Signs - For properties in a "C" or "M" District, single-sided menu signs shall be allowed with no advertisement on the back of the sign. Each sign shall have a maximum area of sixty (60) square feet and shall not include a speaker if facing an abutting residential use or "R-1" or "R-2" district unless the speaker is at least one hundred (100) feet from the property line of an abutting residential use or "R-1" or "R-2" district. *[Ordinance 5288, 06/15/15]* The menu signs shall not be included in the calculation of the allowable square footage or location of other signage.
- h. Bulletin Board - For all districts except the "A-1" District, bulletin boards or signs with total area of signs not exceeding sixty-four (64) square feet in area on private property pertaining to construction, lease, hire or sale of building or premises and sale of land or lots, which board or sign shall be removed within thirty (30) days of premises being leased, hired, sold or construction completed.
- i. Subdivision or Development Signs - Monument signs are permitted not exceeding fifty (50) square feet each and six (6) feet in height, identifying a subdivision, neighborhood, or office/industrial park, on private property adjacent to entryways to such developments, subject to the requirements for monument signs described at 10-26-1(B)(22). Said sign may also be permitted within public street right-of-way subject to the approval of an encroachment agreement by the City Council upon the recommendation of the City Engineer. Appropriate areas within a public street right-of-way could include the grass median of a boulevard or between the road line and the right-of-way line, if excess right-of-way is present and the location of the proposed sign will not materially impede vision or conflict with present or future anticipated utilities.
- j. Banner, Portable and Temporary Signs - The use of exterior banner,

- portable and or temporary type signage shall be allowed on a temporary basis not to exceed sixty (60) cumulative days within one calendar year. Portable and temporary signs in the "C-3" District are prohibited, except banner signs, which are allowed on a temporary basis not to exceed sixty (60) cumulative days within one calendar year, and except sandwich board type signs approved by the Main Street Design Review Board or other applicable authority. A calendar year shall be defined as being from January 1 - December 31. Said signage shall be on private property and shall advertise a product, service, or event that can legally occur on the property.
- k. How Measured - The area of all signs shall be calculated by measuring the entire sign cabinet or box, except that for wall signs with individually mounted letters, the area of the letters shall be measured in calculating the sign area.
5. "A-1" Agricultural District:
- a. Bulletin boards and signs not exceeding sixty-four (64) square feet each in area pertaining to the lease, hire, or sale of a building or premises, or signs not exceeding sixty-four (64) square feet each in area pertaining to any material that is mined, grown or treated within the district or advertising a product, service, or event that can legally occur on the property, provided such signs shall be located on private property and shall not contain flashing or moving lights. Total area of all signage shall not exceed three hundred (300) square feet.
6. "R-R", "R-1" and "R-2" Residential Districts:
- a. Signs for any use listed as a Special Permit provided that the sign regulations for the "R-3" and "R-4" Residential Districts are met.
- b. Day cares are allowed in the district but no signs pertaining to day cares are allowed.
7. "R-3" and "R-4" Residential Districts
- a. Signs permitted in the "R-1" and "R-2" Residential Districts.
- b. Wall signs on no more than two walls or monument signs not exceeding twelve (12) feet in height with total area of all signage not to exceed 1 square foot for each 5' of street frontage with a maximum of sixty four (64) square feet on any one side thereof of total monument signs and not more than two (2) sides shall be used for advertising purposes when accessory and customarily incidental to a principle permitted use on the property excluding one and two-family residences. Signs in the "R-3" and "R-4" Residential Districts shall not be self-illuminated unless constructed with an opaque background and translucent lettering, and shall not contain moving or flashing parts. Wall signs shall be mounted flat against the building. Monument signs shall not extend over any street or property line.
8. "C-1" Commercial District
- a. Any exterior wall sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street or property line, except in accordance with the provisions of the currently adopted building code, or extend more

- than six (6) feet over any setback line whether fixed to the building or any other structure. In no case shall any wall sign project more than four (4) feet above the roofline and the total area of all wall signs shall not exceed two (2) square feet in area for every linear foot of wall displaying such sign. Where the lot adjoins a residential use, the exterior sign shall be attached flat against the building and shall not face the side of the abutting residential use. However this does not apply to the side of the building which is opposite that side adjoining the residential use.
- b. One freestanding post, pole, or monument sign, provided, however, that said freestanding sign shall not exceed forty-five (45) feet in height and shall not have a surface area of greater than eighty (80) square feet on any one side thereof and not more than two (2) sides shall be used for advertising purposes. For post or pole signs, the bottom of said sign or surface area thereof shall not be less than ten (10) feet above the sidewalk or above the surface of the ground upon which it is erected when within any triangular area as described at 10-26-1(B)(22). Said freestanding sign shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.
9. "C-2" Commercial District [*Ordinance 4273, 1/12/98*]
- a. One (1) freestanding post, pole, or monument sign shall be allowed per property as long as the following conditions can be met:
- i. Shall not extend over street right-of-way or property lines nor otherwise obstruct or impair the safety of pedestrians or motorists.
- ii. For post or pole signs, the bottom of said sign or surface area thereof shall not be less than ten (10) feet above the sidewalk or above the surface of the ground upon which it is erected when within any triangular area as described at 10-26-1(B)(22). Maximum height of any freestanding sign shall not exceed forty-eight (48) feet.
- iii. Shall not exceed two (2) square feet for every one (1) linear foot of street frontage. A minimum of eighty (80) square feet shall be allowed regardless of street frontage.
- iv. Maximum total square feet of freestanding signage shall be three hundred (300) square feet on any one side. More than two (2) sides may have advertising, however total area of signage on all sides shall not exceed six hundred (600) square feet. For "C-2" and less restrictive Districts in which the contiguous area is more than ten (10) acres in area and is more than four hundred (400) feet from a "R" District the maximum total area of freestanding signage shall be five hundred (500) square feet, one thousand (1,000) square feet on all sides.
- v. Additional post, pole, or monument sign(s) may be allowed as long as they are no closer than one hundred fifty (150) feet from any other post, pole, or monument sign on the same

site and the maximum square footage per site is not exceeded, and provided no more than two (2) sides of building shall have wall signs.

- b. Wall signs shall not exceed 15% of the wall area; in no case shall the wall signs exceed 15% of the first 15 vertical feet of the wall area. The length of the wall sign shall not exceed 2/3 of the building wall length. No sign may project over any street or property line, except in accordance with the provisions of the building code, or extend more than six (6) feet over any setback line whether fixed to the building or any other structure. For the purpose of this Section, signs painted on awnings and signs mounted on mansards shall be considered as wall signs.
- c. Roof signs, provided such sign shall not project more than sixteen (16) feet above the roofline. Roof signs shall be counted toward the total square footage allowed for the wall that the roof sign faces. If a roof sign faces a wall without a wall sign it shall be counted as one of the sides allowed to have wall signs.

10. "C-3" Central Business District [*Ordinance 3987, 11/22/93*]

The Main Street Waterloo Design Review Board shall review and approve all signs in the area under its jurisdiction as set forth in Section 2-2-3 of the Code of Ordinances. [*Ordinance 5288, 06/15/15*]

- a. Billboards shall not be allowed in the "C-3" zoning district. Billboards in existence within the "C-3" zoning district at the time of enactment of this Section shall be permitted to remain as permitted

uses in the underlying Zoning District. Existing billboards may be maintained, repaired, reconstructed, or replaced in the same location to the same size of sign and height of pole as the existing billboard. In the event an existing billboard is removed it may be replaced within the "C-3" zoning district only after review and approval of the Main Street Waterloo Design Review Board as long as it does not increase the number of existing billboards (5) and faces (9) within said district. In the event this code should conflict with the "H-C" Highway Overlay District, the more restrictive code shall apply.

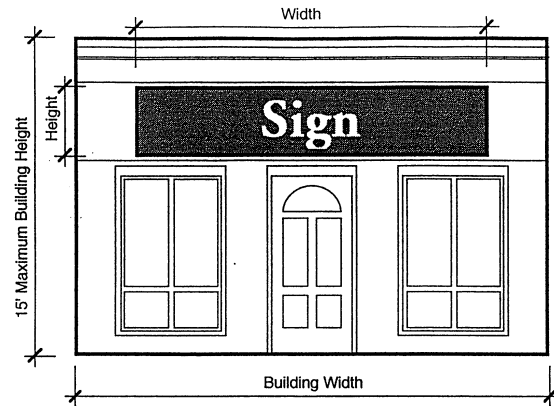
- b. Signs painted directly onto a building are prohibited. Murals for the purpose of this code are allowed after review and approval of the Main Street Waterloo Design Review Board, although they are not considered to be signs, but rather are intended to serve an artistic function rather than an advertising function.
- c. Portable and temporary signs (except banner signs) are prohibited, except banner signs as provided herein, and except sandwich board type signs shall be allowed for said signs which are taken in and out at the beginning and end of business hours, which signs are approved by the Main Street Design Review Board or other applicable authority. Said signs may be placed in the right-of-way, as long as applicable ADA requirements are met and reviewed by the Building Official and City Engineer.

- d. Projecting signs are permitted as long as the following conditions can be met:
 - i. Shall not project over public property beyond five (5) feet or more than one half the distance to the curb, whichever is less, and they may not project into a public alley or public parking lot. A sign may not project over the roadway. Projecting signs must be a minimum of eight (8) feet above the ground and must be no larger in size than 1.5 square feet for each linear foot of the side of the building to which the sign is attached not to exceed fifty (50) square feet per face up to a maximum of one hundred (100) square feet in size on all sides (see attached Exhibit 'B').
 - ii. Corner projecting signs are those that are visible from two (2) or more intersecting streets and shall be allowed as regulated above. The use of corner projecting signs shall preclude the use of any other projecting sign on the two (2) sides that the corner projecting signs are visible from (see attached Exhibit 'C').
 - iii. Internally lighted sign cabinets with opaque background and translucent lettering may be allowed only after review and approval of the Main Street Design Review Board or other applicable authority. [*Ordinance 5288, 06/15/15*] Projecting signs constructed with noncombustible brackets and support material shall be allowed to utilize wood for the sign faces as long as there is a physical separation between said sign material and the structure or building upon which it is attached.
- iv. Canopy/awnings - shall be considered to be part of the structure and are allowed to be internally illuminated. Lettering, logos or other visible advertising shall be considered signage and the rectangular area surrounding it shall be calculated and included in the percentage of allowable square footage for wall signage for the building.
- e. One (1) freestanding post, pole, or monument sign shall be allowed per property as long as the following conditions can be met:
 - i. Shall not extend over street right-of-way or property lines nor otherwise obstruct or impair the safety of pedestrians or motorists.
 - ii. Maximum height of sign shall be eighteen (18) feet as measured from grade to top of sign. The bottom of said sign or surface area thereof shall not be less than ten (10) feet above the sidewalk or above the surface of the ground upon which it is erected when within any triangular area as described at 10-26-1(B)(22).
 - iii. Maximum total square feet of signage shall be eighty (80) with no side being greater than forty (40) square feet.
 - iv. Additional freestanding sign(s) may be allowed to be located at least 150 feet from another pole sign on the same property under common ownership in the same block.

- v. The use of backlit plastic faces with opaque background areas and translucent lettering is permitted.
- vi. Aluminum faces with routed individual letters backed up with Plexiglas are permitted. Additional decorative elements (i.e. corner scrolls, accent lines etc.) are allowed and may be lighted. The total area of all non-lighted and lighted copy and logos may not exceed 60% of face area.
- f. Roof Signs - Roof signs shall be allowed on multi-story (five or more stories) buildings as long as they identify only the building. No roof sign shall project more than 16 feet above the roofline. Further regulations contained herein are applicable.
- g. Wall/Window Signs - External illumination must be provided by a continuous light source that is installed to prevent direct light from shining onto the street or adjacent properties. Flashing or moving lights are not permitted. The light source may be incandescent, LED or fluorescent but should emit white light. [Ordinance 5288, 06/15/15] Spot, track, overhang or wall lamps are all acceptable light sources. Avoid high intensity light sources as they often produce excessive glare. Internally lighted sign cabinets with opaque background and translucent lettering may be allowed only after review and approval of the Main Street Waterloo Design Review Board. [Ordinance 5288, 06/15/15] Individually formed letters of aluminum or non-transparent material with translucent faces affixed to a building shall be allowed. (The

code does recognize that well designed neon signs can be attractive and compatible with certain storefronts). Wall signs shall not exceed 1.5 square feet in area for each linear foot of the side of the building to which the signs are attached. The length of all wall signs shall not exceed 2/3 of the building wall length to which the signs are attached. Further regulations contained herein are applicable. (see attached Exhibit 'A')

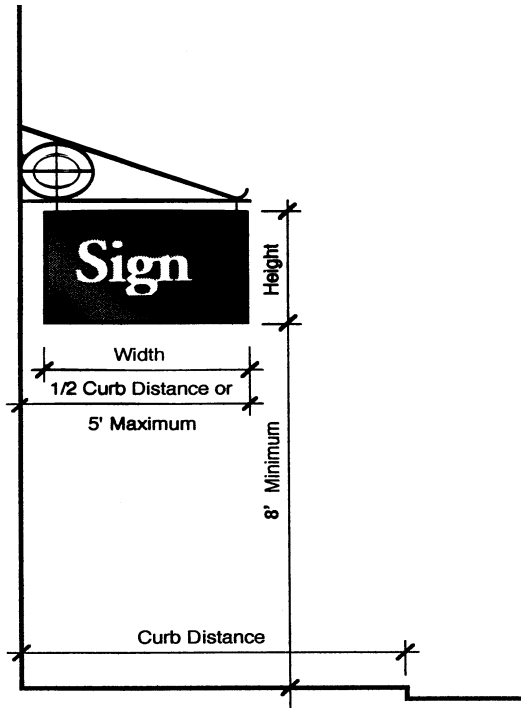
EXHIBIT 'A'



WALL SIGNS

Wall signs shall not exceed 1.5 square feet in area for each linear foot of the side of the building to which the signs are attached. The length of all wall signs shall not exceed 2/3 of the building wall length to which the signs are attached.

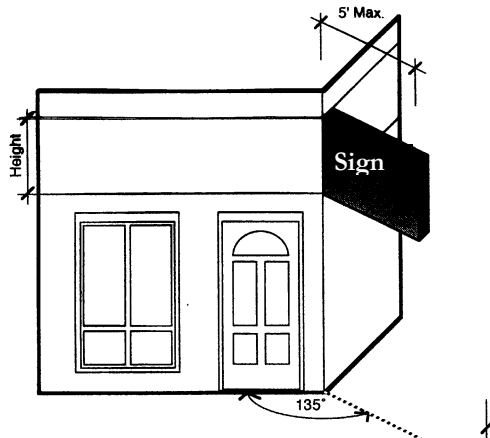
EXHIBIT 'B'



PROJECTING SIGNS

Width x Height must be less than or equal to 1.5 square feet for each linear foot of the side of the building to which the sign is attached to not to exceed 50 square feet per face up to a maximum of 100 square feet in size.

EXHIBIT 'C'



CORNER PROJECTING SIGNS

Width x Height must be less than or equal to 1.5 square feet for each linear foot of the side of the building to which the sign is attached to not to exceed 50 square feet per face up to a maximum

of 100 square feet in size.

11. "S-1" Shopping District

- a. Signs permitted in the "C-2" Commercial District and as limited by "S-1" District Regulations, provided, however, the Council may consider any additional restrictions proposed by the owner. The requirements of the "C-2" District shall be considered minimum for the "S-1" District; however, it is expected that these minimums will be exceeded in all but exceptional situations. Due to the high density of commercial development in this area, multiple post, pole, or monument signs on a property shall be considered a major change.

12. "M-1" Light Industrial District

- a. Signs permitted in "C-2" Commercial District.

13. "M-2" Heavy Industrial District

- a. Signs permitted in "C-2" Commercial District.

14. "M-2,P" Planned Industrial District

- a. Signs permitted in "C-2" Commercial District, except that post or pole type signs shall be prohibited.

15. "R-P" Planned Residential Districts

- a. In "R-P" Districts, those areas designated on the approved site plan as residential or professional office shall be permitted signs as permitted in the "R-3" and "R-4" Residential Districts. Those areas designated on the approved site plan as commercial shall be permitted signs as permitted in the "C-1" Commercial Districts.

16. "C-P" Planned Commercial District

- a. In "C-P" Districts, those areas designated on the approved site plan as residential or professional office shall be permitted signs as permitted in the "R-3" and "R-4" Residential Districts. Those areas designated on the approved site plan as commercial shall be permitted signs as permitted in the "C-2" Commercial Districts.

17. "B-P" Business Park District:

- a. Signs permitted in "C-2" Commercial District.

**CHAPTER 27
SPECIAL PROVISIONS,
EXCEPTIONS AND
MODIFICATIONS**

**10-27-1 SPECIAL PROVISIONS,
EXCEPTIONS AND
MODIFICATIONS.**

The regulations specified in this Ordinance shall be subject to the following exceptions and interpretations:

A. Use of Existing Lots of Record.

In any district where dwellings are permitted, a single family dwelling may be located on any lot or plot of official record existing as of the adoption of Ordinance 2479, adopted 02/03/69, irrespective of its area or width, provided that all other yard requirements are met; and in addition, any two-family dwelling may be located on any lot or plot of official record existing as of the date of adoption of said Ordinance in any district where dwellings are permitted that has a lot width of not less than sixty (60) feet and provided that all other yard requirements are met, except that:

1. The sum of the side yard widths of any such lot or plot shall not be less than ten (10) feet, but in no case less

than five (5) feet, for any one side yard.

2. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case less than ten (10) feet.
3. In the case of a lot of record where the above requirements are greater than those of the district in which it is located the lesser requirement shall apply.

B. Structures Permitted Above Height Limit.

The building height limitations of this Ordinance shall be modified as follows:

1. Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Waterloo. [Ordinance 3211, 5/24/82]
2. Public, semi-public or public service buildings, hospitals, sanitariums, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and religious facilities, when permitted in a district, may be erected to a height not exceeding seventy-five (75) feet, if any such building is set back from each property line in addition to the setback required in the district in which the building is located at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.
3. Single family dwellings and two family dwellings in the dwelling districts may be increased in height by not more than ten (10) feet when two (2)

side yards of not less than fifteen (15) feet each are provided, but they shall not exceed three (3) stories in height.

4. All radio and television towers and transmitting facilities [*Ordinance 3211, 5/24/82*] shall conform to Section 10-27-1(H)(15) except as provided below and shall conform to all applicable Federal, State and local codes and ordinances.
 - a. Commercial radio and television transmitting facilities and towers shall be permitted in any districts, subject to the provisions of Paragraph 4(c) and 4(d) below.
 - b. Amateur radio and citizen radio service stations which are only accessory to the established primary use shall be permitted in all districts, subject to the provisions of paragraph 4(c) and 4(d) below. Such stations must be duly licensed radio and television transmitting and receiving stations of the amateur radio service and citizens radio service.
 - c. Radio and Television Transmitting and Receiving Antennae and Antenna Structures. Radio and television transmitting and receiving antennae and antenna structures attached to a building shall not exceed twenty-five (25) feet above the established roof line. These structures shall include roof mounted, chimney mounted and ground established structures bracketed or guyed to primary or accessory structures that are not antenna structures. [*Ordinance 4040, 9/19/94*]

Radio and television transmitting and receiving antennae and antenna structures not attached to a building shall not exceed sixty (60) feet in height in any "R-1" or "R-2"

One and Two Family Residence Districts and eighty (80) feet in any "R-3" or "R-4" Multiple Family Districts. In all other districts there is no maximum height. The proposed tower may be approved by the City Planner or designee after receiving consent from property owners within the limits of the tower's maximum horizontal fall. If at least one (1) objection is received, the proposed tower may only be approved by Special Permit of the Board of Adjustment after a public hearing. Amateur radio antennas may be approved by the City Planner or designee when extending a maximum of ten (10) feet above the surrounding buildings in any district. [*Ordinance 4040, 9/19/94*] Otherwise, amateur radio antennas may only be approved by Special Permit of the Board of Adjustment after a public hearing.

Antennae and antenna structures shall meet the yard requirements of the primary use in the district. (This does not allow guy wires and anchors to be located in front yard.)

- d. Antennae - Antennae and antenna structures exceeding the height specified in Section 4c above shall be permitted in all "R" Districts, provided a Variance is granted by the Board of Adjustment.

The following requirements will have to be met before consideration to the request will be given:

- i. Such antennae and antenna structures shall meet the yard requirements of the primary use in the district. (This does not allow guy wires and an-

chors to be located in front yard.)

- ii. The applicant shall submit to the Board feasibility studies and valid engineering data.
- iii. Such antennae or antenna structures shall conform to all other applicable Federal, State and local codes and ordinances.

C. Area Requirements.

In any district where there is neither a public water supply or a private water supply serving three (3) or more lots, nor public sanitary sewers or a private sanitary sewage treatment system serving three (3) or more lots that is accessible, the lot area requirement shall be:

Lot area - one and one-half (1.5) acres, however, where connected to a public water supply or a private water system serving three (3) or more lots, this requirement shall be thirty thousand (30,000) square feet. All other yard requirements of the district in which such lots exist shall apply.

D. Double Frontage Lots.

Buildings on through lots and extending through from street to street shall provide the required front yard on both streets. Triple frontage lots shall provide the required front yard on both narrow dimension street frontage streets. This shall not prohibit the erection of a fence taller than four (4) feet or accessory structures in a rear yard unless a dwelling on an abutting lot is addressed or faces the opposite street. [Ordinance 4841, 10/16/06]

E. Rear and Side Yards—How Computed.

In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on alley, one-half (1/2) of the

alley width may be included as a portion of the rear or side yard as the case may be.

F. Other Exceptions to Yard Requirements.

Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for permitted accessory structures in a rear or side yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, building overhangs at least four (4) feet above ground and ornamental features any of which projecting not to exceed twenty-four (24) inches from accessory structures and not to exceed thirty-six (36) inches from principal structures, and except the usual projection of steps or stoops with a landing abutting an entrance with said landing not to exceed five (5) feet by five (5) feet. Landings not abutting an entrance or exceeding five (5) feet by five (5) feet shall meet the setback requirements for a deck. Also except ramps for handicap accessibility, provided that such ramps provide as large of setback as possible while still meeting the minimum standards of the Americans with Disabilities Act (ADA) including allowing landings for said ramp not abutting an entrance or exceeding five (5) feet by five (5) feet. [Ordinance 4841, 10/16/06]

Residential fences or landscape features such as sculptures or walls may be erected or constructed on property lines provided no such fence in any front yard exceeds four (4) feet in height and eight (8) feet in height in the case of side or rear yards.

Overhanging balconies may project over public property in accordance with the provisions of the building code, but may not project more than five (5) feet or one half the distance to the curb, whichever is less, and shall not project into a public alley, a public parking lot, or over the roadway. Overhanging balconies, including support structures, shall be a minimum of eight (8) feet above the ground and shall have all support structures connected to the building and not onto public

property unless approved by the City Council by encroachment agreement. [Ordinance 4841, 10/16/06] In "C-2" and less restrictive Districts, signs, overhangs, and marquees attached to a building may extend over street right-of-way lines provided the erection of such signs, overhangs, and marquees are constructed in accordance with the provisions of the building code.

G. Existing Unenclosed Porch, New Deck or Unenclosed Porch.

1. An existing unenclosed porch on the front of a dwelling built prior to adoption of Ordinance 2479, adopted 02/03/69, may be re-modeled or rebuilt to an enclosure when projecting no farther than the original open porch. [Ordinance 4656, 11/10/03] [Ordinance 4855, 2/19/07]
2. A new deck or unenclosed porch addition to a dwelling may be built eight (8) feet or one fourth (1/4) the distance (whichever is greater) into the required front or rear yard setback. This shall only include the required setback as stated in the Bulk Regulations Section of the District in which located, and shall not include the average setback required by the Front Yard Section of Chapter 5, General Regulations. Existing dwellings with a front or rear yard setback that is less than the minimum required shall calculate one fourth (1/4) the distance of the existing setback, however this shall not prohibit the erection of an eight (8) foot deck or unenclosed porch. This will not be interpreted in any way to authorize any addition over a platted building line, easement, property line or road right-of-way line. This provision shall not allow a deck or unenclosed porch addition within a required side yard setback, except a required side yard along a street frontage on a corner lot. Said addition is defined as a non-enclosed

structure and, for decks in the front yard, with a non-solid side wall, if any at all, which cannot be enclosed in the future as an addition to the home. Non-solid wall shall mean a wall or fence utilizing a spindle or board design with openings between boards that are at least the width of the boards. For porches in the front or rear, or decks in the rear, a solid wall may be used if it does not exceed forty-two (42) inches in height above the floor of the deck or porch. [Ordinance 4386, 10/18/99] [Ordinance 4656, 11/10/03]

H. Special Permit Required.

A Special Permit for the location of any of the following buildings or uses in any district permitted by this Ordinance must be obtained from the Board of Adjustment [Ordinance 3614, 1/9/89] after public hearing thereon:

1. Any public building or use erected or maintained by any department of the city, township, county, state or federal government, excluding parks or recreational trails and accessory uses and structures customarily incidental to a park or recreational trail.
2. Public and parochial schools and other educational institutions having an established current curriculum similar to that ordinarily given in Waterloo public schools, and colleges, universities, or institutions of higher education.
3. Hospitals, excluding animal hospitals, and clinics, excluding clinics in the "R-4" Multiple Residence District or less restrictive district.
4. Group Homes (Unless located in a "C-1" or less restrictive district). [Ordinance 4554, 6/3/02]
5. Halfway (Rehabilitation) Houses. [Ordinance 4554, 6/3/02]

6. Community building, institutional or community recreation center or field, commercial and private outdoor recreational uses such as baseball fields, swimming pools, skating facilities, golf course or country clubs, miniature/goofy golf and driving ranges, Commercial Campgrounds, Hunting and Fishing Clubs, Skeet or Trap Shooting Ranges, Archery and Gun Range Facilities, Outdoor Paintball Facilities, Automobile Race Tracks, Drag Strips, Go-cart Tracks, Mini Bikes or Activity Areas for Motorcycles, Snowmobiles, or ATV's, Drive-in Theaters, or similar public or private open air recreational uses and facilities, excluding public or private parks or pedestrian recreational trails and accessory uses and structures customarily incidental to a park or pedestrian recreational trail. Private non-commercial areas, such as non-profit clubs, etc. shall only require Special Permit approval if organized events or activities occur more than 12 times in a calendar year. *[Ordinance 5395, 04/10/17]*
 7. Public or private cemetery or burial ground. (Minimum thirty (30) acres) *[Ordinance 5395, 04/10/17]*
 8. Recycling, Junk or Salvage Yards as defined in this Ordinance provided that they are within the following zoning classifications: "M-1" Light Industrial District, "M-2" Heavy Industrial District or "M-2,P" Planned Industrial District and meet the following minimum requirements:

The City of Waterloo in attempt to be more sustainable and encourage more ecologically friendly businesses adopts these salvage yard regulations in part based on the Iowa Recyclers Association's I-CARE program. *[Ordinance 5426, 11/20/17]*
- a. The yard shall be completely surrounded with a fence or wall that is eight (8) feet in uniform height and color. The fence shall be of an opaque material and kept free of any openings such as broken out areas and torn holes. Chain link or heavy wire gates may be used for see through inspection purposes for no more than forty (40) feet along each side of the yard having street frontage and at approved points of access to a public street or alley. Chain link or heavy wire fencing that is free from torn areas or openings may be placed along sides of the yard adjoining a flood control levee or other such barrier which would permanently screen the yard from public view. No storage outside of fenced area except for receiving of vehicles that must be moved in 5 business days. *[Ordinance 5426, 11/20/17]*
 - b. No off-premise advertising shall be on any wall or fence. The name of the yard and other services offered by the yard, if placed on the wall or fence, shall occupy no more than ten (10) percent of the wall or fence.
 - c. The posts, rails or other supporting elements of the fence shall face the inside of the yard and not be visible from outside the yard.
 - d. Vehicle bodies stacked higher than the wall or fence shall be no higher than two (2) car bodies above the wall or fence when stacked at least fifteen (15) feet from the wall or fence. Car bodies stacked no higher than the fence need not be 15 feet from the fence. All other stacked salvage material shall not be stacked higher than the allowable building height for the District. The Board of Adjustment shall

- have the power to grant an exception to these stacking provisions so long as said exception is in accordance with the purpose and intent of the Zoning Ordinance.
- e. All work performed shall be carried on within the fenced area or within an enclosed building or structure approved as a part of the salvage operation.
 - f. All automotive fluids must be properly removed and managed as part of the dismantling procedure and/or prior to crushing the vehicles to ensure that no fluids are discharged into the ground. All fluids removed from the vehicles must be stored in containers that are in good condition. If containers are in excess of 55 gallons and stored outdoors they must have secondary containment and be properly marked as to what fluids they contain and be properly stored to insure that they do not lead into the ground, sewer systems, drainage pipes, or bodies of water. *[Ordinance 5426, 11/20/17]*
 - g. No salvage materials shall be placed in the Floodway District. Materials in the Floodway Fringe District (100 year flood district) shall be in accordance with the performance standards of that District.
 - h. New yards established after the adoption of these provisions shall place the required solid wall or fence no closer to any street lot line than the minimum front yard required in the District in which it is located. Within this setback there shall be at least four (4) 2-inch caliper understory trees within every 100 feet or part thereof that are maintained in a healthy condition. This does not pertain to expansions of existing yards within the same block and on the same street as the existing yard. All areas devoted to customer and/or employee parking located outside of the fence or wall area must be hard surfaced and on private property in accordance with the off-street parking Section of the Zoning Ordinance. *[Ordinance 3104, 10/6/80] [Ordinance 3233, 8/2/82] [Ordinance 3323, 2/6/84] [Ordinance 3614, 1/9/89] [Ordinance 3864, 6/1/92]*
 - i. The Iowa Department of Natural Resources must be notified of any hazardous spill that has the potential to leave the property by runoff, sewers, tile lines, culverts, drains, utility lines, or some other conduit; has the potential to reach a water of the state, either surface or groundwater; the substance can be detected in the air at the boundaries of the facilities; or there is a potential threat to public health and safety. *[Ordinance 5426, 11/20/17]*
 - j. Maintain a Spill Prevention control and Countermeasures plan per EPA regulations. *[Ordinance 5426, 11/20/17]*
 - k. All lead-acid and hybrid batteries are properly removed and managed as part of the dismantling procedure and/or prior to crushing the vehicles. Spent lead-acid batteries are placed either in a covered storage area on an impervious surface or in plastic containers with lids. Spent lead-acid batteries are recycled through a reputable battery recycler. Hybrid batteries should be recycled. *[Ordinance 5426, 11/20/17]*

- l. Refrigerant is evacuated from each vehicle in accordance with applicable regulations, or contracts for refrigerant removal with a licensed vendor. Records are maintained for off-site refrigerant disposal/reclamation that includes the amount of refrigerant, the date spent, and the facility that received the refrigerant. *[Ordinance 5426, 11/20/17]*
- m. Engines and transmissions to be resold are stored under a permanent roof on an impervious surface, or in an outside covered weather-proof container. Scrap core, engines and transmissions are stored under a permanent roof on an impervious surface, in an outside covered weather-proof container, or an impervious surface that drains to an oil-water separator. *[Ordinance 5426, 11/20/17]*
- n. Vehicle hoods are routinely kept closed to reduce rainfall exposure of engines that remain in the vehicles stored in the yard. *[Ordinance 5426, 11/20/17]*
- o. Spent solvents from the parts cleaning systems are disposed of with an authorized processor. *[Ordinance 5426, 11/20/17]*
- p. Waste water from parts washing is either recycled or collected for disposal in an approved manner, and shall not be discharged to the surface (ground) or any storm water collection system. *[Ordinance 5426, 11/20/17]*
- q. Waste tires are stored on-site with at least 20 feet of clearance between tire storage areas, the perimeter of the yard and/or structures. No more than 500 exposed non-racked tires and no more than 1,500 tires are kept on-site at any given time. *[Ordinance 5426, 11/20/17]*
- r. Fluorescent bulbs are managed as Universal Waste and properly recycled. *[Ordinance 5426, 11/20/17]*
- s. Maintain compliance with City of Waterloo Storm Water regulatory requirements and IDNR storm water general permit for industrial classification 5015. *[Ordinance 5426, 11/20/17]*
- t. Maintain Iowa DOT recycler's license, Iowa DOT Used car Dealer's license, Sales Tax Permit, and Household Hazardous Material permit (if any are required). *[Ordinance 5426, 11/20/17]*
- u. Any new impound lot must obtain Special Permit approval and meet all regulations as a Recycling, Junk or Salvage Yard. Existing impound lots that are not currently licensed as a Recycling Yard under Section 3-10 of the Code of Ordinances shall obtain said license by May 1, 2018. *[Ordinance 5426, 11/20/17]*
- v. Must have current licenses, be up to date on any required training and follow all applicable state and federal regulations. *[Ordinance 5426, 11/20/17]*
- w. All recycling facilities within the City of Waterloo are encouraged to be certified under the Iowa Recyclers I-CARE program. *[Ordinance 5426, 11/20/17]*
- x. Any new yard must be at least 600 feet from any protected use as defined herein. *[Ordinance 5426, 11/20/17]*
- y. Any yard that has failed to renew their Recycling Yard license provided in Section 3-10 of the Code

- of Ordinances within six months of the deadline will be considered abandoned and will have to cease operations or go through the Special Permit process and meet current regulations. [Ordinance 5426, 11/20/17]
9. Waste Disposal Site [Ordinance 3263, 3/7/83]. Any such request shall include the submittal of a site plan. The Commission may require any specific criteria to protect the health, safety and welfare of the citizens of Waterloo and vicinity, including, but not limited to the following items:
- Detailed site plan delineating slope, access, fencing, provisions for erosion (wind and water), leaching, landscaping, setbacks and other required provisions.
- Performance Bond to secure the rehabilitation of the site in accordance with the approved plan.
- Statement as to what types of wastes will be contained in the site.
- Review by the Iowa Department of Natural Resources [Ordinance 3614 1/9/89], advising the City of the potential hazards and necessary safeguards.
10. Mobile Home Parks, including factory-built home parks and subdivisions if the structures are not classified as real estate.
11. Rubble Disposal Site, Rubble Fill Site, or clean fill site, except clean fill approved as part of a development plan. A duplicate of the application submitted to the Black Hawk County Health Department shall be submitted to the Commission. The application shall contain the signature of landowner, legal description of property, a plot plan showing area to be filled with existing and proposed final elevations. The application shall also include an estimate of the number of cubic yards necessary and length of time estimated to complete filling. [Ordinance 3590, 10/17/88]
12. Adult Businesses/Adult Uses [Ordinance 3642, 5/1/89] in accordance with "Adult Businesses/Adult Uses" of Sections 10-3-1, 10-15-1(A)(2), and 10-27-1(N).
13. Gaming facilities, unless located within a Planned District where listed as a Permitted Use. [Ordinance 4735, 10/18/04]
14. One or two-family residential structures when more than one (1) such structure is erected on a single lot in the "R-1" or "R-2" District. [Ordinance 4855, 2/19/07] [Ordinance 4885, 10/15/07]
15. Non-Limited Alcohol Sales Uses, when meeting the following minimum requirements:
- a. Where the business, when operated in conformance with such reasonable conditions as may be imposed by the Board of Adjustment, satisfies the following criteria:
 - i. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.
 - ii. The business uses landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential or protected uses.
 - iii. The business will not unduly increase congestion on the

streets in the adjoining residential area.

- iv. The operation of the business will not constitute a nuisance.
- b. Any Special Permit so granted by the Board of Adjustment shall be subject to the following general conditions, together with any additional special conditions required by the Board of Adjustment as appropriate:
 - i. Any parking area provided for the use of customers of the business shall be illuminated to appropriate standards found in the City of Waterloo Municipal Code. Parking lot lighting shall be directed away from nearby residential properties and city streets.
 - ii. The business shall comply with the City of Waterloo Municipal Code pertaining to noise control.
 - iii. Attractive litter and trash receptacles shall be located at convenient locations inside and outside the premises.
 - iv. The Special Permit is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the Special Permit.
 - v. If the zoning officer determines at any time that the operation of such a business exhibits a pattern of violating the conditions set forth in the Special Permit, the zoning officer may apply to the Board of Adjustment to reconsider the issuance of the special use permit for such business. A copy

of such application to reconsider and notice of the hearing before the Board of Adjustment on such application shall be provided to the owner of such business at least ten days in advance and shall also be provided to all owners of record of property within two hundred fifty (250) feet of the subject property. If the Board of Adjustment finds that the operation of such business exhibits a pattern of violating the conditions set forth in the Special Permit, the Board of Adjustment shall have the authority to amend or revoke the special use permit. *[Ordinance 4976, 11/23/09]*

- c. The purpose and intent of these special permit regulations is to avoid undue concentration of certain alcohol sales uses, to mitigate the secondary effects of certain alcohol sales uses, to preserve and protect neighborhoods from deterioration and loss of property value due to incompatible uses, and otherwise to promote the general purposes of the zoning ordinance. Except in the "C-3" District, the provisions of this subsection 15 shall apply in addition to any other zoning district regulations and requirements in which the land may be classified. In the case of conflict, the most restrictive provisions shall govern, except as otherwise expressly provided in this subsection.
- 16. Religious facilities.
 - 17. Non-profit institutions of a philanthropic or educational nature, including libraries but excluding philanthropic professional offices in the "R-4" Multiple Residence District or less

- restrictive district. Also private clubs, fraternities, sororities and lodges.
18. Commercial mining and extraction of minerals or raw material, including sand or gravel pits or borrow sites.
 19. Mini-storage or storage rental development when in a "C-2" District.
 20. Towers including wireless communications and wind generation devices, except as provided in Sections 10-27-1(B)(4), 10-27-1(D), and 10-27-1(T).
 21. Kennels.
 22. Public utility structures and equipment necessary for the operation thereof except as provided in Section 10-27-1(S).
 23. Contractor Businesses when including equipment yards and when located in a "C-2" or "C-3" District.
 24. Off-Premise Advertising Signs and Billboards, when exceeding 300 square feet.
 25. Farm animals, livestock and specialized animal farms, excluding horses and in other than an "A-1" District. Due to the incompatibility of farm animals and livestock with urban development, large scale animal operations, including animal confinement operations, shall be prohibited unless the Board of Adjustment shall find that a proposed operation would be consistent and compatible with existing and future surrounding land uses. Future land uses shall be reviewed based on the designation of property on the Future Land Use Map, a component of the City of Waterloo Comprehensive Plan.
 26. Urban Animal Hobby Farms (UAHF) except as provided for in Section 10-27-1 (U), when the applicant can demonstrate that such a use will not constitute a nuisance on adjoining

property. Other criteria to determine if a Special Permit shall be granted shall include, but not be limited to: size of lot in relation to the size and number of proposed animals, size of pen(s) in relation to the size and number of proposed animals, proximity of surrounding development, in particular residential development, and the proposed waste disposal plan. Failure of a UAHF to comply with the requirements for a UAHF or any requirements or conditions placed on the Special Permit approval for a Hobby Farm shall be subject to review by the Board of Adjustment to determine if the Special Permit shall be revoked. Any such property with farm animals existing at the time of enactment of this Ordinance shall apply for Special Permit approval (if required) for a UAHF or remove said farm animals prior to January 1, 2018. [*Ordinance 5417, 8/28/17*]

27. Alterations and conversions of single family dwellings or duplexes into two family dwellings or multiple family dwellings in accordance with the lot area, frontage and yard requirements as set forth in the Bulk Regulations of the district in which it is located. [*Ordinance 5288, 06/15/15*]
28. Freestanding commercial parking lots. [*Ordinance 5288, 06/15/15*]

Before issuance of any Special Permit for any of the above buildings or uses, the Board of Adjustment [*Ordinance 3614, 1/9/89*] shall refer the proposed application to the Commission, which shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission

has been filed; provided, however that if no report is received from the Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the Commission. [Ordinance 3918, 1/11/93] The provisions of 10-28-4 (Special Permit, Appeals, and Variances) shall also apply.

Minor changes that do not substantially alter the character of any Special Permit may be administratively reviewed and approved by the Planning staff. If staff determines that the magnitude of such a change is insignificant in nature, staff may approve the change without a review before the Commission and public hearing by the Board of Adjustment. [Ordinance 3918, 1/11/93]

Examples of minor changes include, but are not limited to the following: the location, construction, replacement or change in type of signage, minor change in building locations, or change in the locations of access, driveways, or parking areas, and may be carried out through the administrative review and approval of the Planning staff.

Minor changes may include additions to an existing building which do not increase the existing floor area by more than fifty (50) percent of the floor area of the building proposed to be added on to, or new buildings with a floor area not exceeding ten (10) percent of the floor area of all existing or approved principal buildings. A change from one Special Permit use to another is not a minor change and shall require Board of Adjustment approval as though it were a new request. [Ordinance 3918, 1/11/93] If staff determines that the magnitude of any such change is significant in nature or could become significant in nature, the change shall be deemed major and the change shall require approval as though it were a new request. In determining if a change is significant in nature the Planning staff shall consider, among other things, the overall design of the proposed change and its compatibility to the existing development and surrounding devel-

opment, as well as impact on the neighborhood due to changes in parking, traffic, etc. or changes in visibility or aesthetics from the public roads or adjoining properties caused by the proposed change.

I. Urban Renewal Plans.

Where the regulations with respect to lot area frontage and yard requirements established by Official Urban Renewal Plans adopted prior to the date of adoption of any zoning ordinance or amendment thereto conflict with the regulations of such ordinance or amendment, the regulations contained in the Official Urban Renewal Plan shall apply.

J. Appeal of Minimum Lot Width.

Any lot which does not meet the minimum lot width or other bulk requirements of the zoning district may appeal said requirements to the Board of Adjustment, where sufficient hardship will need to be proven to grant a Variance. [Ordinance 3122, 12/22/80]

K. Subdividing of Lots.

[Ordinance 3122, 12/22/80]

Any one or two family residential area and/or "R-1" or "R-2" district where lots have been platted and/or developed with lots greater than the requirements of this Ordinance, lots may, if they have sufficient property to, be subdivided to create buildable lots of similar size after finding that the lots to be created are similar to those existing in the area. The minimum area and lot width of the lots would be determined by averaging all lots within a two hundred fifty (250) foot radius of the lot or lots to be subdivided. The lots to be created must not be more than ten (10) percent less than the average lot area and lot width. This provision shall not apply if the lots to be created are more than four (4) times the minimum lot area of the district in which the lots are located. In computing the averages, the lot or lots to be subdivided and any lot with other than a one or two family residential use or in other than a "R-1" or "R-2"

district shall not be included. Buildable vacant lots in a "R-1" or "R-2" district shall be included but non-buildable vacant lots shall not be included. Divisions for non-developmental or ownership purposes only and divisions for zero lot line row dwellings shall not be subject to this provision. All lots including the original lot or lots so subdivided must meet all other applicable yard requirements. *[Ordinance 3221, 6/14/82]*

L. Solar Collector Systems.

[Ordinance 3261, 2/7/83]

The following exceptions to yard requirements and density requirements are allowed for the placement of solar collectors in all districts and solar collector systems shall be considered a permitted accessory use in all districts.

1. **Front Yard:** In residential districts, no exceptions shall be allowed into any front yard unless the collector is attached to the dwelling and does not intersect with the ground and provided that the projection does not exceed twenty four (24) inches. In all other districts the collector may extend a total of fifty (50) percent into the required front yard.
2. **Rear Yard:** In all districts, a collector may extend ten (10) feet into any minimum rear yard, provided that a minimum of ten (10) feet rear yard is still provided.
3. **Side Yard:** A solar collector may extend into either minimum side yard a total of forty (40) percent of the required yard; however, this is not to exceed a maximum of four (4) feet in residential districts. In all other districts the collectors may extend a total of fifty (50) percent into the required side yard.
4. **Lot Coverage:** The actual lot area occupied by the solar collector is included in determining lot coverage. In ex-

isting residential districts, lot coverage shall not be interpreted as to prevent the placement of a forty (40) square foot collector in any required rear yard, provided that the other yard requirements are met.

5. **Height Requirements:** Solar collectors may extend ten (10) feet above the height requirement of their district when attached to the principal use on the lot.
6. Solar Collectors proposed for any "C-Z", "R-P", "S-1", or "M-2,P" must submit a plot plan to the Planning staff for administrative review. The staff will review the plot for compliance to the regulations set forth. Should the system be substantial in size, the staff may refer the request to the Commission for review.
7. No portion of any solar collector system shall extend above, beneath or upon any easement, regardless of the above stated exceptions to yard requirements.

M. Placement of Mobile Home.

[Ordinance 3378, 12/17/84]

Mobile homes shall be placed only in mobile home parks or mobile home sales lot, except that one (1) mobile home may be placed on a farm eighty (80) acres or larger in addition to an existing permanent dwelling provided that occupant of said mobile home is active in the conduct of agricultural operation of said farm.

No commercial, manufacturing, or professional services shall be carried on in a mobile home, trailer, recreational vehicle, or similar motor vehicle, except for licensed and approved transient merchants. Under no circumstances shall a mobile home be used as an accessory structure. This is not to be construed as prohibiting utilization of mobile home or trailer for temporary uses on construction sites or as deemed necessary by a

governmental authority during or following a natural disaster.

N. Adult Uses.

[Ordinance 3642, 5/1/89]

1. The minimum separation requirements of adult uses may be varied by the Board of Adjustment if the person applying for the Variance files an application for a Variance with the building official. Included with said application shall be a consent petition which indicates approval of the proposed adult use signed by 90 percent of the property owners within 600 radial feet of the lot on which the use would be located. The Board of Adjustment, in considering such a Variance shall make the following findings: that the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of the Ordinance will be observed, that the establishment of an additional use of this type in the area will not be contrary to the program of neighborhood conservation or improvement, either residential or non-residential, and that all applicable regulations of this Ordinance will be observed.
2. Any such adult use which at the time of the adoption of Ordinance 2479, adopted 02/03/69, or amendment or replacement thereto, becomes non-conforming may continue in business subject to the regulations of a non-conforming use.
3. Such non-conforming establishment shall not increase, enlarge, expand, extend or alter such land area, building, or structure involved in such establishment except by changing the use to another use which is permitted in that zoning district by the terms of the Zoning Ordinance. If the owner of the non-conforming establishment desires

to increase, enlarge, expand extend or alter such land area, building or structure involved in such establishment, the owner shall be required to apply for a Special Permit under the provisions of the Zoning Ordinance.

4. In determining whether an adult use is non-conforming, especially in relation to another adult use, the Board shall take into account the length of time that said adult use has been operating at its present location and shall consider the oldest adult use as a conforming use.

O. Towers and Wireless Communication Facilities.

[Ordinance 4321, 9/14/98]

[Ordinance 4541, 3/11/02]

1. **Purpose.** The special provisions of this Section are intended to regulate the location of new communication towers and antennas. The Telecommunications Act of 1996 restructured and deregulated many aspects of the country's communication industry. New telecommunication providers entering the market desire to build a network that can require additional freestanding communication towers as well as antennas mounted on existing buildings and other structures.

It is the desire of the City of Waterloo to encourage an aesthetically pleasing local environment. It is also the intent of the City to encourage the expansion of wireless technology, because it provides a valuable service to residents and businesspersons in the city. It is not the City's goal to unreasonably discriminate among providers of functionally equivalent services; and to not have the effect of prohibiting, either directly or indirectly, the provisions of personal wireless services. It is the goal to encourage wireless providers to construct new facilities dis-

guised as public art pieces, as natural vegetation, or to mount antenna on buildings in a way that blends architecturally with the built environment. In accordance with applicable zoning regulations, any request to place, construct, or modify personal wireless service facilities shall be acted on within a reasonable time after the request is duly filed with the proper City office, taking into account the nature and scope of each request. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

a. Goals.

- i. To minimize the adverse visual effects of communication structures through careful design, siting, locating, and screening;
- ii. To locate and engineer communications support structures to mitigate potential damage to adjacent properties from structural failure;
- iii. To allow for the reasonable location and efficient use of communication structures through co-location of carriers; and
- iv. To preserve and improve the peace, safety, health, welfare, comfort, and convenience of the citizens of the City of Waterloo.

b. Regulation of All Towers. Towers exceeding fifty (50) feet above grade, including wireless communication towers and facilities, shall be allowed upon approval of a Special Permit by the Board of Adjustment after recommendation of

the Commission, except as provided in this Section. Wireless communication towers not exceeding fifty (50) feet shall be allowed upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission, except as provided in this Section. Wind energy facilities shall be regulated by Section 10-27-1(S). [Ordinance 5395, 04/10/17]

2. Definitions, as used in this Chapter.

- a. "Multiple use facilities (Co-location effort)" - Wireless communication facilities that are shared with other existing or newly constructed uses, such as, but not limited to, sports field lights, retail business highway signs, flag poles, or other shared competing communications facilities.
- b. "Monopoles" - A self-supporting, cylindrical, metallic pole used as a communications support structure and engineered to support more than one communications carrier in exchange for a rental fee.
- c. "Camouflage Design" - Camouflage design is a term describing a piece of art, or an architectural structure or element, that functions as a communications facility and aesthetically blends with the surrounding historical or aesthetically-sensitive environment. Examples of camouflage design include, but are not limited to, flag poles, clock towers, monuments, and church steeples. Camouflage design also applies in the architectural integration of communication facilities onto existing buildings, sports field lights, highway signs, water towers, etc. All such designs are subject to review and

- approval of the communications carrier, the landlord, and the Planning staff. If deemed to be of major significance, the request would be contingent upon final approval by the Board of Adjustment, after review by the Commission. The camouflage design of new freestanding wireless communication towers must be accessory in design to the principal use of the site. For example, a new tower on a church site would need to be designed to appear as a steeple tower, cross, etc. A new tower on a school or park field would need to appear as a new field lights structure, etc. This is aimed to further disguise the appearance of wireless communication structures.
- d. "Structure height" - The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the cell site shall be used in calculating the height.
 - e. "Communications structure" - Any tower or any other structure that supports devices used in the transmission or reception of microwave energy, analog data transfer techniques, radio frequency energy, and other digital data transfer techniques.
 - f. "Communication structure site" - A tract or parcel of land that contains the wireless communication structure, accessory building(s), and parking, and may include other uses associated with and necessary for wireless communication and transmission.
 - g. "Tall structure" - Any structure the top of which is more than fifty (50) feet above grade.
 - h. "Minimum height" - The lowest vertical distance at which the structure can still operate at an efficient level of service. An efficient level of service is deemed to be 95% or greater of possible operative levels.
 - i. "Effectively screened" - An area of planting which provides an effective visual barrier. For a single row the screen shall consist of spruce, firs, or pines spaced at a maximum spacing of 15 feet or a double staggered row of spruce, firs, or pine spaced at a maximum spacing of 20 feet within each row; for arborvitae and juniper the spacing shall be a double staggered row with maximum spacing of 10 feet within each row, or a single row with maximum spacing of 6 feet.
 - j. "Significance, Minor" - Requests meeting the criteria as described in the Process Section 3a. Also, in compliance with the Design Standards.
 - k. "Significance, Major" - Requests meeting the criteria as described in the Process Section 3b. Also, any deviation from the Design Standards may classify a formerly minor significant request to this stature. Such decision is up to the discretion of the City Planner and his/her designee.
- 3. Process.**
- a. Minor significance. The proposed structure shall be subject to staff review by the City Planner and his/her designee, if any of the following are true:

- i. Agricultural and Industrial zoning classifications
 - (a) All proposed structures to be constructed using camouflage design, to visually disguise them or architecturally integrate them from the public view and their surroundings.
 - (b) All proposed structures co-located onto an existing communications facility or structure at least 50 feet in height.
 - (c) All proposed structures set back 1.5 times the height of the tower from the nearest property line and are of monopole design.
 - ii. Commercial zoning classifications
 - (a) All proposed structures to be constructed using camouflage design, to visually disguise them or architecturally integrate them from the public view and their surroundings.
 - (b) All proposed structures co-located onto an existing communications facility or structure equal to or greater than 50 feet in height.
 - iii. Residential zoning classifications
 - (a) All proposed structures to be constructed using camouflage design, to visually disguise them or architecturally integrate them from the public view and their surroundings. Such structures must be located at least twice the tower height from any 1 or 2 family dwelling lot (except if said dwelling lot is in an industrially zoned district). *[Ordinance 5395, 04/10/17]*
- (b) All proposed structures co-located onto an existing communications facility or structure equal to or greater than 50 feet in height utilizing camouflage, stealth, and/or flush mount design. *[Ordinance 5395, 04/10/17]*
- b. Major significance. The proposed structure shall require review by the Commission contingent upon final approval by the Board of Adjustment, if any of the following are true:
 - i. Agricultural and Industrial zoning classifications
 - (a) Lattice or guyed design towers as specified in Section 6d as contained herein.
 - ii. Commercial zoning classifications
 - (a) Any structure not employing camouflage design or co-located upon an existing communications facility or structure equal to or greater than 50 feet in height.
 - iii. Residential zoning classifications or uses
 - (a) Any structure not employing camouflage design and/or located twice the tower height from any 1 or 2 family dwelling lot.
4. **Where Permitted.** The proposed structure is classified as a permitted use, upon approval as noted above in

Sections 3a and 3b, if any of the following are true:

- a. Agricultural and Industrial zoning classifications and any other specific plans allowing such uses:
 - i. Communication structures are not permitted within 150 feet of an interstate or state highway. *[Ordinance 5395, 04/10/17]*
 - ii. When mounted on a building and architecturally integrated into an existing structure and/or multiple use facilities.
 - iii. When designed with camouflage design.
 - b. Residential and Commercial zoning classifications and specific plans allowing such uses:
 - i. When mounted on a building and architecturally integrated into an existing structure and/or multiple use facilities.
 - ii. When designed with camouflage design.
5. **Design Standards.** The proposed structure must comply with the following provisions prior to the issuance of any permits.
- a. Necessity. The wireless communications company shall demonstrate that the antenna must be located where it is proposed in order to satisfy the antenna's function in the company's grid system.
 - b. Co-location Effort. If the wireless communications company proposes to build a tower (as opposed to mounting the antenna on an existing structure), it shall demonstrate a reason of substantial nature describing the inability to co-locate. This demonstration shall utilize one or more of the following criteria to satisfactorily illus-

trate why co-location on an existing structure is infeasible:

- i. Structural Infeasibility. The wireless communications company shall provide a structural analysis to show the structural loading, minimum height, available space on the existing structure, or available ground space at the proposed site is inadequate to serve its needs for a viable communications structure site.
- ii. Engineering Infeasibility. The wireless communications company shall provide engineering studies to show that the existing structure cannot be satisfactorily engineered to meet the coverage and/or capacity demands of its customers or function in its grid system.
- iii. Economic Infeasibility. Co-location on an existing structure is an incentive to, and is in the economic best interest of, each wireless communication company as co-location reduces the cost to deploy each communication site. Where negotiation to co-locate on an existing structure fails, the wireless communications company shall provide evidence, to include written assurances in the form of affidavits, that it could not obtain permission from owners of structures within a quarter (1/4) mile radius of the proposed site to install its antennas on those structures.

The Zoning Board of Adjustment may deny the permit if it concludes that the applicant has not

- made a good faith effort to mount the antenna on an existing structure or for any other reason within the scope of the Board of Adjustment's authority.
- c. Structure Height. The applicant shall demonstrate, to the reasonable satisfaction of the Commission and the Board of Adjustment, that the structure is the minimum height required to function satisfactorily while simultaneously providing adequate structural height for possible co-locators. The Board of Adjustment has the right to deny any structures above the determined height unless otherwise shown the structure would be inoperable.
- d. Setbacks From Base of Structure. The minimum distance between the base of the structure or any guy anchors and any property line shall be the largest of the following:
- i. Fifty (50%) percent of antenna height.
 - ii. The minimum setback in the underlying zoning district.
 - iii. Sixty (60) feet.
 - iv. Twice the tower height from any 1 or 2 family dwelling lot (except if said dwelling lot is in an industrially zoned district). [Ordinance 5395, 04/10/17]
 - v. Any new tower structures built upon land owned by the city, state, public schools, or other public entity may include the street right-of-way in its setback requirements to further promote any necessary construction of such facilities to go onto larger tracts of public land to allow for greater
- separation from residential uses and to further benefit the community as a whole through the generation of funds.
- e. Structure Safety. The applicant shall demonstrate through proof of insurance, compliance with setback requirements, and submittal of engineering studies, that the proposed structure is safe, according to the Electronic Industries Association Standards (EIA Standard 222 in regards to structural standards for steel antenna towers and antenna support structures) for its design, according to 1996 FCC Regulations in terms of radio frequency transmissions, and the surrounding areas will not be negatively affected by structure failure. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers. Any such failure or interference shall be the responsibility of the applicant to remedy.
- f. Fencing and Landscaping. An opaque fence shall be installed around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure or camouflage design is employed. The fence shall be a minimum of six (6) feet in height and serve to screen the base of the structure and improve security. No such fence may use barbed wire closer than six (6) feet to the ground. Said fencing shall be *effectively screened* on the outside (as defined in this Section).
- g. Co-location. In order to reduce the number of communication structures in the community, the proposed structure shall be required to accommodate other us-

ers, including other wireless communication companies, and local police, fire and ambulance companies.

- h. FCC License. The wireless communication company shall provide proof that it is licensed by the Federal Communications Commission to conduct business in the Waterloo market.
- i. Required Parking. If the communication structure site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the maximum working shift. Structures must be constructed of a material compatible with existing abutting property building unless specifically proven to be unattainable. This is to reduce the visual impact of the structure and create an appearance which is compatible and harmonious with the surroundings.
- j. Painting. Antenna support structures shall be painted, if determined necessary in process of request, in such a manner as to reduce the visual impact and create a harmonious appearance with their surroundings.
- k. Site Plan. A full site plan shall be required for all communication structure sites, showing the structure, antenna, antenna support structure, building, fencing, buffering, existing and proposed utilities, and access. [Ordinance 5395, 04/10/17]
- l. Air Safety. All structures will be in compliance with the City of Waterloo Airport Ordinance and

meet the guidelines for an Federal Aviation Administration Determination (of no hazard).

6. Other Design Requirements.

- a. Support facilities such as equipment rooms and cabinets and cellular switching devices shall be designed to match the architecture of adjacent buildings. In the event the wireless company chooses not to house support facilities such as equipment rooms and cellular switching devices, the facility shall be screened from public view by walls, trellises, landscaping, or similar treatments.
- b. No chain link fence associated with any wireless communication facility is permitted unless effectively screened as defined in this Section.
- c. Temporary poles may be permitted for a period of up to six months, subject to review and extension, if an application for a permanent facility has been filed and the necessity for temporary service can be proven to the satisfaction of the City. Final approval of a temporary facility shall be subject to the review and approval as defined in the process Section.
- d. Lattice towers shall not be permitted anywhere in the City unless located in an Agricultural zone, designated in the Long Range Land Use Plan for industrial use, or an Industrial zone. These towers shall be constructed with a setback from any right-of-way lines, property lines, or residential districts which shall be equal to or greater than 1.5 times the height of the tower.

- e. All utilities associated with wireless communication facilities shall be underground unless demonstrated by the company that the local utility company has determined that it is impractical. This regulation applies only in residential or commercial zoning classifications.
- f. The facility operator or property owner shall be responsible for maintaining the facility in good appearance, which shall include but not be limited to, regular cleaning of the facility, keeping the facility painted as needed, keeping bird nests and other similar items clear of the antenna area, and all-around maintenance of the facility.
- g. Any proposed free standing tower structure to be located within public street right-of-way shall go through the Commission for a recommendation to the Board of Adjustment, as a Special Permit. Such a request will require a notification by staff to all surrounding property owners within two hundred fifty (250) feet from the base of the tower. Any proposed free standing tower structure to be located within public street right-of-way shall be reviewed to ensure minimal adverse visual effects of the structure through careful design, siting, and locating to ensure compatibility with surrounding

uses, and shall be reviewed to ensure it will not interfere with existing or anticipated future utility or transportation needs. Co-location of wireless communication facilities on existing structures within public street right-of-way may be reviewed under minor significance, but will still be reviewed to ensure minimal adverse visual effects of the structure through careful design, siting, and locating to ensure compatibility with surrounding uses, and will still be reviewed to ensure it will not interfere with existing or anticipated future utility or transportation needs. The City Planner may determine any such facility to be a major significance. *[Ordinance 5395, 04/10/17]*

7. Abandonment.

- a. All approvals for wireless communication facilities shall be in effect only while the facilities are being operated on a continual basis. When the use is replaced or discontinued for a period of six months, the approvals will lapse; and the operator or property owner shall be required to remove the facility and all associated equipment and restore the property to its original or otherwise acceptable condition, subject to the approval of the City Planner or his/her designee.

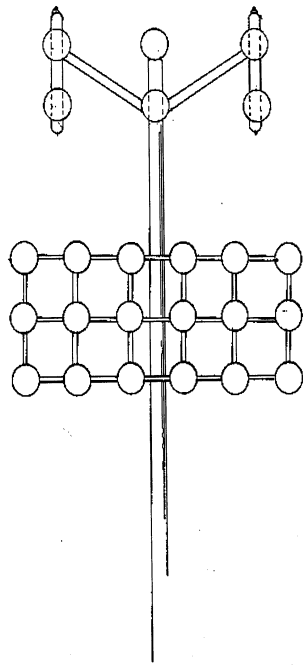
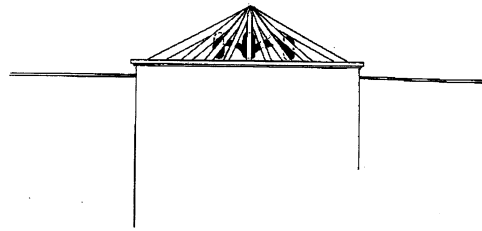
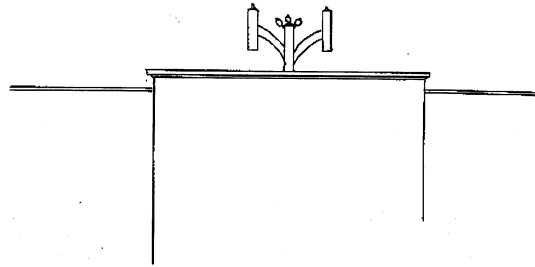


EXHIBIT A

Example of an antenna designed as an extension of ball field lights. This is one example of a multiple use facility.



Do This
A Good Example of a Building Mounted Antenna



Don't Do This
An Unacceptable of a Building Mounted Antenna

EXHIBIT B

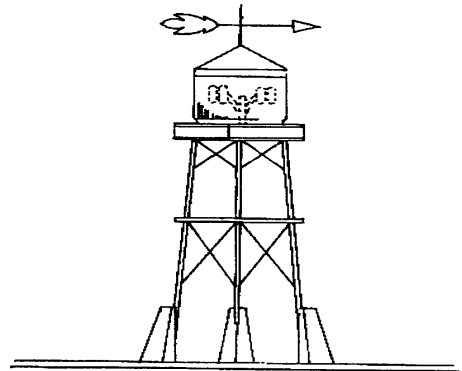
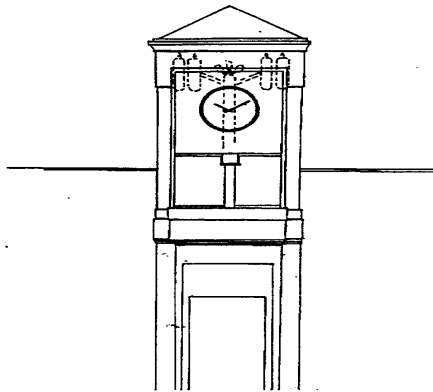


EXHIBIT C

Examples of Possible Public Art Pieces that Provide Antenna Space

P. Buffers Required.*[Ordinance 3050, 10/1/79]**[Ordinance 4724, 9/20/04]*

It shall be recognized that the transition from one district to another district of contrasting and conflicting uses is across a barrier and line in theory. Therefore, it shall be the intent of this article to require the actual provision of physical barrier so as to reduce any possible harmful or detrimental influence one district may or may not have to an abutting or contrasting or conflicting use.

The following conditions shall require a buffer between abutting districts:

1. All "C" Districts which abut any "R-1" or "R-2" District shall be buffered as required in this article.
2. All "M" Districts which abut any "C-1" or any "R" District shall be buffered as required in this article.

Buffers required under the provisions of this article or elsewhere in this Ordinance shall be accomplished by any one or approved combination of the following methods:

1. **Buffer Wall.** Such wall shall not be less than six (6) feet in height, constructed of a permanent, low maintenance material such as concrete block, cinder block, brick, concrete, precast concrete, title block, etc. The wall shall be designed for both structural adequacy and aesthetic quality. The use of weather resistant wood, metal or manufacturing substitutes may be used as an accessory material for aesthetic quality.
2. **Buffer Park.** Such park shall not be less than forty (40) feet in width, designed and landscaped in an aesthetic manner.

Predominant planting shall be of evergreen type trees, shrubs and plants so as to assure year-round effectiveness; density and

height of planting shall be adequate to serve as an effective visual screen.

The burden or provision and selection of the buffers shall be as follows:

1. Where two (2) different districts requiring a buffer between them are both in existing improved condition, the above requirement is not retroactive and should a buffer be desired it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event that any or all of the improved property is abandoned, destroyed, demolished, etc. for the purpose of renewal, redevelopment, etc., that portion of such property being renewed, redeveloped, etc. shall be considered vacant land subject to the requirements herein.
2. Where one of the two (2) different districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden.
3. Where both districts requiring a buffer between them are vacant or undeveloped except for agricultural use, the burden shall be assumed by the developer as the land is improved or developed.

Where the line between two (2) districts requiring a buffer follows a street right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived by the City Planner or designee, provided such waiver does not permit the exposure of undesirable characteristics to public view.

Q. Alcohol Sales Uses.

1. **Classification.** Except in the "C-3" District, all alcohol sales uses, whether existing or proposed, shall be classified by the City Planner or designee as one of the specific types enumerated in Section 10-3-1 under "alcohol sales

uses.” All alcohol sales uses shall be classified according to current standards pertaining to percentage of sales and retail floor space. For any alcohol sales use that existed before adoption of Ordinance 4976 on 11/23/2009, where insufficient information is available for a determination between a limited or non-limited alcohol sales use according to current standards, the use shall be classified as a limited alcohol sales use and shall be subject to all of the requirements pertaining to such uses. For establishments that, before adoption of Ordinance 5126 on 8/20/2012, had agreed to classification as a limited alcohol sales use under previous standards but would now be classified under current standards as a non-limited alcohol sales use, such establishments shall continue to be classified as a limited alcohol sales use and shall have until June 30, 2013 to conform to current standards for a limited alcohol sales use. Any business requesting classification as a non-limited alcohol sales use shall provide adequate documentation for such a determination. Adequate documentation may consist of, but shall not be limited to, forms filed with the Iowa Alcoholic Beverages Division, federal and State of Iowa income tax returns, sales register or point-of-sale system reports, income statements, and/or other information certified as true and correct by a licensed public accountant or a certified public accountant. Any information provided by the business shall be certified by the business as true, correct and complete under penalty of perjury.

2. Drive-Up Windows.

- a. No business that is an alcohol sales use shall construct, open or install any drive-through or walk-

up window or any similar drive-up or drive-in system, except that a pharmacy may have such a system provided that no alcoholic beverages may be sold or dispensed through same, and except that a grocery store may have such a system as a convenience for loading merchandise into a vehicle only if the customer made the purchase inside the premises of the grocery store.

- b. If an application has been filed for a new license or permit to sell or dispense alcoholic beverages with respect to a premises that is not classified as an alcohol sales use at the time of application or has not been classified as such within the preceding three (3) months, and if the premises is equipped with a drive-through or walk-up window or any similar drive-up or drive-in system, then the application will not be approved until any opening that is part of such window or system is permanently closed and the exterior thereof has been finished to conform in materials and appearance as closely as reasonably possible to the remainder of the exterior of the premises.

R. Limited Alcohol Sales Uses.

[Ordinance 4976, 11/23/09]

1. **Audits.** Pursuant to the authority vested in the City by Section 123.39 of the Iowa Code and in furtherance of the City’s prerogative to regulate the location of alcohol sales uses for the health, welfare and morals of the community, any limited alcohol sales use is subject to the requirements of this Section. Upon request of the police chief or designee at any time, but not more frequently than semi-annually, a business that is a limited

alcohol sales use shall provide such information as the police chief or designee may, in his reasonable discretion, require as proof that the business satisfies the conditions for the appropriate category of a limited alcohol sales use. Proof may consist of, but is not limited to, forms filed with the Iowa Alcoholic Beverages Division, federal or State of Iowa income tax forms, sales register or point-of-sale system reports, income statements, and/or other information certified as true and correct by a licensed public accountant or a certified public accountant. The accountant shall prepare a verified statement that identifies the total dollar volume of all sales and the total dollar volume of sales derived from each specific category of goods or services described in the applicable "limited alcohol sales use" definition, such as, for purposes of illustration only, alcohol, tobacco products, pumped vehicle fuel, and prepared foods. Any information provided by the business shall be certified by the business as true, correct and complete under penalty of perjury. If the business fails to provide the requested information within thirty (30) days after request, then such business shall be deemed to be an unlawful use and shall be subject to the enforcement provisions of this Ordinance. If audit of the provided information indicates that the business fails to satisfy the conditions to qualify as the appropriate category of a limited alcohol sales use, either on the basis of the preceding twelve (12) months viewed as a whole or the most recent three (3) months viewed as a whole, then such business may be deemed to be an unlawful use and may be subject to the enforcement provisions of this Ordinance. If the audit demonstrates that the business exceeds by more than ten

(10) percent any of the numerical standards of the appropriate category of a limited alcohol sales use, then the use shall be deemed a nuisance and the business shall pay all cost and expense of the audit. The city clerk shall demand reimbursement for the audit costs and expenses by mailing written demand for reimbursement to the owner. Notice shall be by ordinary mail. Said demand shall be due and payable upon mailing and shall become delinquent if not paid within thirty (30) days of the date of mailing the notice. Without prejudice to any other available methods of collection, any delinquent amounts may be assessed against the property for collection in the same manner as a property tax, as provided in state law. The audit requirements of this subsection are in addition to any affidavit or agreement that may be required by the City Planner or designee with respect to the status of the business within the appropriate category of a limited alcohol sales use.

2. **Renewal certifications.** In connection with any application for renewal of a liquor control license or permit, the business shall certify on forms acceptable to the City Planner or designee that it continues to meet, according to current standards pertaining to percentage of sales and retail floor space, the requirements for classification as the appropriate category of limited alcohol sales use.

S. Utility Exemption.

With the exception of the Floodway and Floodplain Overlay Districts, public utilities, as herein defined, shall be considered Principal Permitted Uses in all Districts under this Ordinance and shall be subject to the Special Permit process described in Section 10-27-1 (H), as well as the requirements of the appropriate district. Public utility equipment or

structures such as poles (excluding towers), wires, cables, conduits, streets, railroads including railroad spurs, trails, driveways, bridges, culverts, etc. are exempt from the Special Permit process. Other public utility structures, including buildings, power generation facilities, substation facilities, and other similar uses or structures shall not be exempt from the Special Permit process unless otherwise provided by law or unless located in a Planned District including the "R-P", "S-1", "C-P", "B-P" and "M-2,P" Districts. Towers shall be regulated by Sections 10-27-1(B)(4), 10-27-1(O), and 10-27-1(T).

T. Wind Energy Facilities.

1. Applicability

- a. The requirements of this subsection T shall apply to all wind energy facilities (large and small) for which an application for a Special Permit or building permit has been submitted to the City of Waterloo after the effective date of this subsection T. No such wind energy facility shall be constructed after the effective date of this subsection T except in compliance with this subsection T.
- b. Wind energy facilities for which a required permit has been properly issued prior to the effective date of this subsection T shall not be required to meet the requirements of this subsection T; provided, however, that any such pre-existing wind energy facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this subsection T prior to recommencing production of energy. However, no modification or alteration to an existing wind energy facility shall be allowed unless in compliance with this subsection T.

2. Purpose

- a. The purpose of this subsection T is to provide a regulatory means for the construction and operation of large and small wind energy facilities in the City of Waterloo, subject to reasonable restrictions, which will preserve the public health, safety, and welfare. The City of Waterloo adopts these provisions to promote the effective and efficient use of the City's wind energy resource.

3. Findings

- a. The City of Waterloo finds and declares that:
 - i. Wind energy is an abundant, renewable and nonpolluting energy resource of the City and its conversion to electricity may reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.
 - ii. The generation of electricity from properly sited wind energy facilities, including small systems, can be cost effective and in many cases existing power distribution systems can be used to transmit electricity from wind-generating stations to utilities or other uses, or energy consumption at that location can be reduced.
 - iii. Regulation of the siting and installation of wind energy facilities is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners and the general public.

- iv. Wind energy facilities represent significant potential aesthetic impacts because of their size, lighting, and shadow flicker effects, if not properly sited.
 - v. If not properly sited, wind energy facilities may present risks to the property values of adjoining property owners.
 - vi. Wind energy facilities may be significant sources of noise, which, if unregulated, can negatively impact adjoining properties.
 - vii. Without proper planning, construction of wind energy facilities can create traffic problems and damage local roads.
 - viii. If not properly sited, wind energy facilities can interfere with various types of communications.
4. Definitions
- a. As used in this subsection T, the following terms are hereby defined
 - i. **Decommissioning:** The process of use termination and removal of all or part of a large wind energy facility by the owner or assigns of the large wind energy facility.
 - ii. **FAA:** The Federal Aviation Administration.
 - iii. **Facility Owner:** The entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.
 - iv. **Hub Height:** When referring to a wind turbine, the distance measured from ground level to the center of the turbine hub.
 - v. **MET Tower:** A meteorological tower used for the measurement of wind speed.
 - vi. **Site:** The parcel(s) of land where a wind energy facility is to be placed. The site can be publicly or privately owned by an individual or group of individuals controlling single or adjacent properties. Where multiple lots are in joint ownership or control, the combined lots shall be considered as one for purposes of applying setback requirements.
 - vii. **Total Height:** When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.
 - viii. **Use Termination:** The point in time at which a wind energy facility owner provides notice to the City of Waterloo that the wind energy facility or individual wind turbines are no longer used to produce electricity unless due to a temporary shutdown for repairs. Such notice of use termination shall occur no less than 30 days after actual use termination.
 - ix. **Wind Energy Facility, large:** A facility that generates electricity or performs other work consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. It also includes any wind energy facility not

falling under the definition of a small wind energy facility.

- x. **Wind Energy Facility, Small:** A wind energy system that generates electricity or performs other work, has a hub height of one hundred twenty (120) feet or less or is affixed to an existing structure, has a power output rated capacity of 100 kilowatts or less, and is intended to primarily reduce the on-site consumption of electricity. Any wind energy facilities not falling under this definition shall be deemed a large wind energy facility.
 - xi. **Wind Farm:** Two or more wind turbines under common ownership or control.
 - xii. **Wind Turbine:** A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base, and pad.
5. Regulatory Framework
- a. Large wind energy facilities may only be constructed in areas that are zoned "A-1" Agricultural District, "M-2" Heavy Industrial District, and "M-2,P" Planned Industrial District upon approval of a Special Permit by the Board of Adjustment after recommendation of the Commission.
 - b. Small wind energy facilities may be constructed in any zoning district as either a principal or accessory use. Small wind energy facilities that are constructed as an accessory use to a Principal Permitted Use, and meet the setback, height, and power output requirements of this subsection T, shall not require Special Permit approval and shall only require building permit approval. All small wind energy facilities that are constructed as a Principal Permitted Use, or small wind energy facilities that do not meet the setback, height, or power output requirements of this subsection T, shall require Special Permit approval.
 - c. Application for a Special Permit, if required, for a large or small wind energy facility shall be submitted with the following information:
 - i. A properly filled out and signed application.
 - ii. A signed statement indicating that the applicant has legal authority to construct, operate, and develop the wind energy facilities under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and state and local building codes.
 - iii. A description of the number and kind of wind energy facilities to be installed.
 - iv. A description of the large or small wind energy facilities' height and design, including a cross section, elevation, and diagram of how the wind energy facilities will be anchored to the ground, prepared by a professional engineer licensed in the State of Iowa.
 - v. A statement from the applicant that all wind energy facilities will be installed in compliance with manufacturer's specifica-

- tions, and a copy of those manufacturer's specifications.
- vi. A signed statement from the landowner(s) of the site stating that he/she will abide by all applicable terms and conditions of this subsection T and the Special Permit, if approved.
 - vii. A statement indicating what hazardous materials will be used or stored on the site, and, how those materials will be stored.
 - viii. A statement indicating how the wind energy facility will be lit, if applicable.
 - ix. For small wind energy facilities, a site plan showing the parcel boundaries and a legal description, support facilities, access, fencing, and all other buildings on the site and within one hundred (100) feet beyond the site.
 - x. For large wind energy facilities, a site plan prepared by a professional engineer or surveyor licensed in the State of Iowa, drawn to a scale of not less than 1 inch to 100 feet (1 inch to 50 feet preferred), showing the parcel boundaries and a legal description, 2-foot contours for the subject site and one hundred (100) feet beyond the subject site, support facilities, access, proposed landscaping and fencing, and all other buildings on the site and within one hundred (100) feet beyond the site.
 - xi. Any utility or easement locations shall be indicated on the site plan.
 - xii. For large wind energy facilities, photo exhibits visualizing the proposed wind energy facilities.
 - xiii. For large wind energy facilities, a signed statement from the landowner(s) of the site stating that a lease has been executed or has been agreed upon by all parties and will be executed if the applicant does not own the land.
 - d. If required, a plan for site grading, erosion control, storm water drainage, and storm water pollution prevention plan (SWPPP) shall be submitted to the City Engineer for review and approval prior to granting building permits.
 - e. All other permits, including those for work done in rights-of-way, shall be applied for by the applicant to the appropriate agency prior to construction.
 - f. Wind energy facilities shall not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per large wind turbine at the Board of Adjustment's discretion. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building accessory to the wind energy facility is permitted unless used for the express purpose of the generation of electricity or performing other work related to the wind energy facility.
 - g. An applicant may submit one Special Permit application for the entire large wind energy facility project or small wind energy project (if required) located in the City of Waterloo, provided that a detailed

- map identifying the precise location of all proposed wind turbine towers is provided at time of submittal of Special Permit. For additional wind turbine towers proposed that were not detailed in a previous Special Permit approval, a new separate Special Permit shall be required, including a detailed map identifying the precise location of all proposed and existing wind turbine towers.
- h. No grading, filling, or construction shall begin until a building permit is issued. A separate building permit shall be required for each individual wind turbine tower and appurtenant facilities prior to construction of each wind turbine tower and appurtenant facilities to be constructed.
 - i. For large wind energy facilities, a certificate of insurance with a minimum of \$2,000,000 liability coverage per incidence, per occurrence shall be required for the life of the facility. Each renewal period will require a copy of certificate of insurance be provided to the City of Waterloo. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the Special Permit.
 - j. For large wind energy facilities, the City shall require an irrevocable letter of credit, bond, or cash escrow, held in trust in favor of the City of Waterloo, to recover the costs associated with removal of a use terminated large wind turbine tower and appurtenant facilities. The amount of the irrevocable letter of credit, bond, or cash escrow shall be set by the Board of Adjustment prior to Special Permit approval and shall remain in effect until released by the City of Waterloo. The issuer of the irrevocable letter of credit or bond shall be suitable to the City.
 - k. A wind energy facility authorized by Special Permit shall be started within twelve (12) months of Special Permit issuance and completed within thirty-six (36) months of Special Permit issuance, or in accordance with a timeline approved by the Board of Adjustment. Upon request of an applicant, and for good cause, the Board of Adjustment may grant an extension of time.
 - l. For large wind energy facilities, the applicant shall submit a copy of all "as built plans" prepared by a professional engineer licensed in the State of Iowa, including structural engineering and electrical plans for all towers following construction to the City to use for removal of large wind energy facility, if large wind energy facility owner or its assigns fails to meet the requirements of this subsection T or the Special Permit.
 - m. For wind energy facilities requiring Special Permit, the Board of Adjustment may require additional conditions to ensure public health, safety, and welfare.
 - n. Wind energy facilities that are constructed and installed in accordance with the provisions of this subsection T shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - o. Nothing in this Ordinance shall be deemed to give any applicant the right to cut down surrounding trees and vegetation on any property not on the applicant's site to

reduce turbulence and increase wind flow to the wind energy facility. Nothing in this Ordinance shall be deemed a guarantee against any future growth or construction or City approvals of future construction that may in any way impact the wind flow to any wind energy facility. It shall be the sole responsibility of the facility operator or owner to acquire any necessary wind flow or turbulence easements, or rights to remove vegetation.

6. General Requirements

a. Standards

- i. No television, radio or other communication antennas may be affixed or otherwise made part of a wind energy facility, except pursuant to the regulations for wireless communication towers. Applications may be jointly submitted for wind energy facilities and wireless communication facilities.
- ii. Wind energy facilities shall utilize measures to reduce the visual impact of the facility to the extent possible. Facilities with multiple wind turbine towers shall be constructed with an appearance that is similar throughout the site, to provide reasonable uniformity in overall size, geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades except as otherwise provided in this subsection T.
- iii. For small wind energy facilities constructed as an accessory use to a Principal Permitted Use, only one small wind en-

ergy facility per site shall be allowed. For small wind energy facilities approved by Special Permit, multiple small wind energy facilities may be allowed.

- iv. Small wind energy facilities shall be used primarily to reduce the on-site consumption of electricity.
- v. For small wind energy facilities not requiring Special Permit approval, the maximum turbine power output rated capacity is limited to 50 kW. For small wind energy facilities requiring Special Permit approval, the maximum turbine power output rated capacity is limited to 100 kW. Power output rated capacity larger than 100 kW shall be deemed a large wind energy facility.
- vi. At least one sign shall be posted on the tower at a height of five (5) feet warning of electrical shock or high voltage, harm from revolving machinery, and the hazard of falling ice. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo or insignia may be displayed on a system generator housing in an unobtrusive manner that is not visible off site.
- vii. Towers shall be constructed to provide one of the following means of access control:
 - (a) Tower-climbing apparatus located no closer than

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- ix. The owner of a wind energy facility shall defend, indemnify, and hold harmless the City of Waterloo and their officials, agents and employees from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney fees, arising out of the acts or omissions of the operator or the operator's contractors concerning the construction or operation of the wind energy facility without limitation, whether said liability is premised on contract or tort. Owner's submittal for a building permit for a wind energy facility shall constitute agreement to defend, indemnify, and hold harmless the City of Waterloo and their officials, agents and employees.
- x. The owner of a large wind energy facility (applicant) shall reimburse the City of Waterloo and/or Black Hawk County for any and all repairs and reconstruction to the public roads, culverts, and natural drainage ways resulting directly from the construction of the large wind energy facility. A qualified independent third party, agreed to by the City of Waterloo and applicant, and paid for by the applicant, shall be hired to inspect the roadways and drainage ways to be used or affected during construction. This third party shall be hired to evaluate, document, videotape, and rate road and drainage way conditions prior to the construction of the large wind energy facility and again within 30 days after the large wind energy facility project is complete. Any damage done by the applicant or subcontractors shall be repaired or reconstructed at the applicant's expense.
- xi. Where wind energy facility construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to properly drain the site to the satisfaction of the City of Waterloo.
- xii. Any recorded access easement across private lands to a wind energy facility, in addition to naming the wind energy facility owner as having access to the easement, shall also name the City of Waterloo as having access to the easement for purposes of inspection or decommissioning. If no such access easement exists, approval of the Special Permit for a wind energy facility shall constitute granting to the City of Waterloo a right to access the wind energy facility for purposes of inspection or decommissioning.
- xiii. Any wind energy turbine or facility that does not produce energy for a continuous period of twelve (12) months shall be considered abandoned and shall be removed in accordance with the removal provisions of this subsection T. Failure to abide by and faithfully comply with this subsection T or with any and all conditions that may be attached to the granting of any building permit for a wind energy facili-

ity shall constitute grounds for the revocation of the permit by the City of Waterloo.

- xiv. A large wind energy facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and shall provide updated information on such to the Planning and Zoning Department.
- xv. Wind energy facilities exceeding one hundred twenty (120) feet hub height shall be of a monopole (tubular) design except in unusual circumstances as deemed appropriate by the Board of Adjustment as part of the Special Permit approval. For wind energy facilities not exceeding one hundred twenty (120) feet hub height, monopole (tubular) type towers shall be favored over guyed towers, and lattice towers shall be discouraged. For towers that require Special Permit approval, the Board of Adjustment shall have authority to determine required design elements, including type and height.

7. Setbacks

- a. The following setbacks and separation requirements shall apply to all wind turbines:
 - i. Each wind turbine associated with a large wind energy facility shall be set back from the nearest non-participating landowner's property line and from any other wind turbine a distance of no less than 1.5 times its total height.
 - ii. Each wind turbine associated with a small wind energy facility shall be set back from the nearest property line a distance of no less than 1.5 times its total height, except that a wind turbine associated with a small wind energy facility may be located closer than 1.5 times its total height if written consent from the property owners to which the proposed tower would be closer than 1.5 times its total height is obtained, or if approved by Special Permit. In such cases, the minimum set back from the nearest property line shall be a distance of no less than 0.5 times its total height. As part of the Special Permit approval, the Board of Adjustment may grant a waiver to the setback requirements where strict enforcement would not serve the public interest and where it is demonstrated that such a setback will not have an adverse impact on the adjoining properties, however the setback shall generally not be less than 0.5 times the total height.
 - iii. Wind energy facilities must meet all utility setbacks and/or easements. The owner of the wind energy facility is responsible for contacting the appropriate entities to determine the location of all above and underground utility lines on the site including, but not limited to, sewer, water, electricity, natural gas, cable television, communication, fiber optic, etc.

8. Height

- a. Small wind energy facilities not requiring Special Permit approval shall be limited to eighty (80) feet hub height.
- b. Small wind energy facilities requiring Special Permit approval shall be limited to one hundred twenty (120) feet hub height.
- c. Large wind energy facilities shall not be limited in height, except as imposed by the Board of Adjustment as part of the Special Permit approval.

9. Noise and Vibration

- a. Except during short-term events including severe windstorms, audible noise due to wind energy facility operations shall not exceed sixty (60) dBA, when measured at the site property lines. If audible noise exceeds sixty (60) dBA the offending wind turbine must be inoperable until repairs are completed, or a waiver is obtained from affected property owners in accordance with subsection (9)(f) below.
- b. Wind energy facilities shall not create an audible steady, pure tone such as a whine, screech, hum, or vibration.
- c. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in DBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the site property

lines. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise level measurement location.

- d. Any noise level emanating from a wind energy facility falling between two whole decibels shall be determined to be the higher of the two.
- e. Any noise monitoring or measurements, with need determined by the Planning staff, shall be paid for by the applicant or wind energy facility owner.
- f. In the event the noise levels resulting from the wind energy facility exceed the criteria listed above, a waiver to said levels may be granted provided that the following has been accomplished:
 - i. Written consent from the affected property owners has been obtained stating that they are aware of the wind energy facility and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and,
 - ii. A permanent noise impact easement has been recorded in the Office of the Black Hawk County Recorder which describes the benefited and burdened properties and which advises all subsequent owners

of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

10. Minimum Ground Clearance

- a. For small wind energy facilities, the minimum distance between the ground and any part of the rotor or blade system shall be fifteen (15) feet.
- b. For large wind energy facilities, the minimum distance between the ground and any part of the rotor or blade system shall be thirty (30) feet.

11. Signal Interference

- a. The applicant or wind energy facility owner shall mitigate any interference with electromagnetic communications, such as radio, telephone, computers, communication devices, or television signals, including any public agency radio systems, caused by any wind energy facility. However, in no case shall a wind energy facility be located within the microwave path of an emergency communication tower.

12. Shadow Flicker

- a. Wind energy facilities shall attempt to avoid shadow flicker in any off-site residences. The wind energy facility owner and/or operator shall make reasonable efforts to minimize or mitigate shadow flicker to any off-site residence to the determination of the City Planner or designee. Any off-site residence owner or wind energy facility owner may appeal the determination of the City Planner or designee to the Board of Ad-

justment, as provided in Section 10-28-4(B).

13. Ice Shedding

- a. The wind energy facility owner and/or operator shall ensure that ice from the wind turbine blades does not impact any off-site property.

14. Waste Management

- a. All hazardous waste generated by the operation and maintenance of the facility, including, but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

15. Safety

- a. Wind turbine towers shall not be climbable up to twelve (12) feet above ground level and all large wind turbine tower access ladders must be located inside of the tower.
- b. All access doors to wind turbine towers and electrical equipment shall be locked.
- c. Any accessory structure on site of a large wind energy facility shall have a concrete roof to protect the structure from snow and ice shedding.
- d. Appropriate warning and caution signage shall be placed on wind turbine towers, electrical equipment, and large wind energy facility entrances.
- e. A large wind energy facility site and all structures shall have an annual inspection report of structural stability by a professional engineer licensed in the State of Iowa, at cost to the large wind energy facility owner, with a report filed with the City of Waterloo

Planning and Zoning Department. Any deficiencies found shall be repaired in a timely manner.

- f. The owner/operator of a large wind energy facility shall test for stray voltage before, during, and after construction upon request by the City Planner or designee.
 - g. All substations shall be fenced to prevent public access. The provisions of Section 10-27-1(S) shall apply.
 - h. The owner/operator of a large wind energy facility shall post and maintain at each facility a clearly posted 24-hour a day manned telephone number in case of an emergency.
 - i. The owner/operator of a large wind energy facility shall provide qualified personnel to conduct training sessions to emergency responders whenever requested.
 - j. The owner/operator of a large wind energy facility shall provide a company representative to accompany the Fire Department Fire Inspector during site visits. The owner/operator of a large wind energy facility shall comply with all applicable laws regarding those inspections.
 - k. The owner/operator of a wind energy facility shall be responsible for the total cost of any incident(s) that occur on or at their facilities and/or properties.
16. Removal
- a. All wind generators and appurtenances shall be removed from the site within six (6) months of use termination notice to the City of Waterloo by the owner of the facility or its assigns, or within three (3) months of permit revocation by the City of Waterloo. Upon request of the owner or assigns of the wind energy facility, and for good cause, the City Planner or designee may grant a reasonable extension of time.
 - b. The site shall be stabilized, graded, and cleared of any debris by the owner of the facility or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion.
 - c. Any foundation shall be removed to a minimum depth of four (4) feet below grade, or to the level of the bedrock if less than four (4) feet below grade, by the owner of the facility or its assigns. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Office of the Black Hawk County Recorder.
 - d. Any access roads shall be removed, cleared, and graded by the owner of the facility or its assigns, unless the property owner wants to keep the access road. The City of Waterloo will not be assumed to take ownership of any access road unless through official action of the City Council.
 - e. Any expenses related to the decommissioning and removal shall be the responsibility of the wind energy facility owner, including any expenses related to releasing any easements.
 - f. Removal shall conform to the contract between property owner and the owner/operator of a wind energy facility, in addition to the requirements set forth in this Ordinance.

17. Violation and Permit Revocation

- a. All wind energy facilities shall be maintained in operational condition at all times, subject to reasonable maintenance and repair outages. Operational condition includes meeting all noise requirements and other permit conditions. Should a wind energy facility become inoperable, or should any part of the wind energy facility be damaged, or should a wind energy facility violate a permit condition, the owner/operator shall remedy the situation within three (3) months after written notice from the City of Waterloo. Upon request of the owner or assigns, and for good cause, the City Planner or designee may grant a reasonable extension of time.
- b. Notwithstanding any other abatement provision, if the wind energy facility is not repaired or made operational or brought into compliance after said notice, the City Council may, after a public meeting at which the operator or owner shall be given opportunity to be heard and present evidence, including a plan to come into compliance, (1) order either remedial action within a specified timeframe, or (2) order revocation of the permit and require the removal of the wind energy facility within three (3) months. For large wind energy facilities not removed within the specified time period, the City of Waterloo shall have the right to use the irrevocable letter of credit, bond, or cash escrow to cover the costs associated with removal of the large wind energy facility.
- c. Any wind energy facility that does not meet the requirements of this

Ordinance, including, but not limited to those dealing with noise, height, setback, or visual appearance, or does not meet any conditions attached to approval of the wind energy facility, shall be deemed an unlawful structure and shall provide grounds for the revocation of the permit.

U. Urban Animal Hobby Farm (UAHF).

[Ordinance 5417, 8/28/17]

1. The UAHF regulations of this Section shall in all cases govern specialized animal farms and the keeping of farm animals and livestock, except when on a farm of at least 35 acres or in an "A-1" Agricultural District. Notwithstanding anything in Section 10-5-1(B) to the contrary, any existing uses that include farm animals, livestock or specialized animal farms that do not conform to the UAHF regulations shall conform no later than January 1, 2018.
2. A UAHF shall be allowed within Waterloo City limits on lots or parcels of land as an accessory use to a principal dwelling when the following requirements are met:
 - a. Minimum fenced (confined) area of 40,000 square feet or more for large and intermediate sized animals such as cows, calves, sheep, goats, llamas, emus, ostrich, peacock and similar animals, excluding swine (including pot belly pigs), camels and exotic animals as determined in the reasonable discretion of the City Planner or designee.
 - b. Minimum fence (confined) area of 10,000 square feet or more for small sized animals such as rabbits, mink, ferrets, chinchilla, chicken, goose, pigeon, pheasant,

- quail, duck and similar animals, excluding rooster, guinea, falcon, and exotic animals as determined in the reasonable discretion of the City Planner or designee.
- c. The UAHF owner resides on the property.
 - d. Containing shelters for animals. Lean-tos, tarps, car-ports and similar structures are prohibited. Fowl must be kept in an enclosure or fenced area at all times and secured within a henhouse or "fowl-tractor" type enclosure during non-daylight hours.
 - e. Shelters must be roofed, predator-resistant, ventilated, and easy to access, clean and properly maintained, with water and food accessible at all times.
 - f. Multiple-unit lots or parcels of land in common ownership must have approval for UAHF from all occupants.
 - g. Density of a UAHF for large or intermediate sized animals, as defined in subparagraph 2.a. above, is set at 2 animals for the first 40,000 square feet and 1 additional animal for each additional 20,000 square feet. A combination of large or intermediate sized animals and small animals is allowed, as long as it does not exceed the total density allowed.
 - h. Density of a UAHF for small sized animals, as defined in subparagraph 2.b. above, is set at 2 animals for the first 10,000 square feet and 1 additional animal for each additional 2,500 square feet up to a maximum of 8. A combination of large or intermediate sized animals and small animals is allowed, as long as it does not exceed the total density allowed.
 - i. The density of a UAHF is based on the square footage within the animals' confined (fenced) area minus the square footage of any structures within that same area that are not devoted to the animals.
 - j. The confined area must be fenced with approved material for a residential fence per the residential fence regulations and in such a way as to prohibit escape and be properly maintained.
 - k. There shall be a 10-foot setback of the fenced (confined) area from neighboring property lines for a UAHF containing any large or intermediate sized animals, and said fenced (confined) area for all UAHF's shall not be located in a front yard as defined herein.
3. All enclosures and fenced (confined) areas must be kept in a clean, dry, odor-free, neat and sanitary conditions at all times, free of insects and rodents, and all animal excrement shall be properly disposed of and not allowed to accumulate. All animals shall have clean bedding. Odors from animals, animal manure or other animal related substances shall not be perceptible beyond the boundaries of the UAHF property. All stored manure shall be covered by a fully enclosed structure with a roof or lid, and no more than four (4) cubic feet of manure shall be stored on the UAHF property. All other manure not used for composting or fertilizing shall be removed.
 4. Animals born in a UAHF are allowed to remain until 12 weeks old at which

- time they must be removed unless density limits allow them to remain.
5. No UAHF shall be operated so that crowing, cackling, gobbling, bleating or other animal or fowl noises, etc., occur at a level that creates a nuisance for adjacent properties.
 6. The Board of Adjustment shall have the authority to grant exceptions to the requirements of this Subsection U. Such request will require submittal of a variance application, but the Board is not required to apply all standards for issuance of a variance when considering a variance request for a UAHF, except for requests involving regulation under Chapter 22, Floodway and Flood Plain Districts.
 7. Beekeeping shall be allowed within the Waterloo City limits on lots or parcels of land as an accessory use to a principal dwelling when the following requirements are met:
 - a. Minimum lot size of 20,000 square feet.
 - b. The beekeeper resides on the property.
 - c. Density shall be set at two hives (with only one swarm per hive) for every 20,000 square feet of total lot size. No more than 6 hives shall be permitted on a lot, unless the lot is more than 35 acres and primarily used for agricultural purposes.
 - d. Hives shall not be located within 25 feet of any lot line, shall not exceed 20 cubic feet in volume, and a constant supply of water shall be provided for all hives to prevent bees from congregating at other sources of water on nearby properties. The water shall be maintained so as not to become stagnant.
 - e. Queens: In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation, or exhibits an unusual disposition towards swarming outside the hive, it shall be the duty of the beekeeper to re-queen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
 8. All UAHF's, excluding beekeeping, shall be required to be approved by Special Permit by the Board of Adjustment after recommendation of the Commission, except when the UAHF owner submits to the Planning Department a consent petition which indicates approval of the UAHF signed by 100 percent of the abutting property owners to the UAHF property, and signed by 60 percent of the property owners within 250 radial feet of the UAHF property. Planning Staff shall have the authority to determine if a petition meets these requirements.
 9. Butchering: No butchering of any UAHF animals shall be allowed except within a fully enclosed building.

CHAPTER 28 BOARD OF ADJUSTMENT

10-28-1 APPOINTMENT – MEMBERSHIP.

A Board of Adjustment is hereby established which shall consist of five (5) members each appointed to a term of five (5) years. Members shall be removable for cause by the appointing authority by written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. [Ordinance 4074, 2/20/95] [Ordinance 4080, 3/13/95]

10-28-2 RULES—MEETINGS—GENERAL PROCEDURE.

The Board shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

10-28-3 JURISDICTION—POWERS.

The Board shall have the following powers and duties.

A. The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this Ordinances in harmony with its general purpose and intent. Any property owner aggrieved by the provisions of this Ordinance or any regulations or restrictions thereunder, may petition the said Board of Adjustment to modify said regulations and restrictions as applied to such property owner and the following rules shall apply:

1. The Board of Adjustment shall have a public hearing on said petition under the same terms and conditions as hereinafter provided for the hearing of appeals by the Board of Adjustment.
2. The Board of Adjustment in making any exception to this Ordinance shall be guided by the general rule that the exceptions shall

by their design, construction, and operation adequately safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety and shall not diminish or impair established property values in surrounding areas.

3. The Board of Adjustment is specifically authorized to permit erection and use of a building or the use of premises or vary the height and area regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, including the distribution of newspapers, which the Board determines reasonably necessary for public convenience or welfare.
 4. The Board of Adjustment is specifically authorized to permit the extension of a district where the boundary line of a district divides a lot that is in a single ownership as shown of record or as shown by existing contract or purchase at the time of adoption of a zoning ordinance or amendment thereto, but in no case shall extension of the district boundary line exceed forty (40) feet in any direction.
- B. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, permit, or determination made by the City Planner or designee in the enforcement of this Ordinance.
- C. To authorize an appeal in specific cases, in which such Variance from the terms of this Ordinance will not be

contrary to the public interest and the spirit of this Ordinance will be observed and substantial justice done; and where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship.

Special conditions shall include but not be limited to a property owner who can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of a specific piece of property or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations, the strict application of the terms of this Ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the district.

10-28-4 SPECIAL PERMITS, APPEALS, AND VARIANCES.

[Ordinance 3393, 6/10/85]

The Board of Adjustment is hereby established which shall hear and decide:

- (i) applications for Special Permits upon which the Board is authorized to pass under this Ordinance;
- (ii) appeals; and
- (iii) requests for Variances to the provisions of this Ordinance; and shall take any other action which is required of the Board.

A. Special Permits.

Requests for Special Permits shall be submitted to the City Planner who shall forward such to the Board of Adjustment for consideration, after recommendation of the Commission. Such requests shall include a site plan in accordance with Section 10-5-1(Q) and information ordinarily submitted with applications as well as any additional infor-

mation deemed necessary to the Board of Adjustment. The following provisions shall apply:

1. Purpose: The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within which Districts the use of land and buildings and the bulk requirements and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such uses are typically publicly operated or affected with a public interest, or uses private in nature, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. Initiation of Special Permit: Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the Special Permitted uses provided for in this Ordinance in the Zoning District in which the use(s) are permitted.
3. Authorization: For each application for a Special Permit, the City Planner or designee shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional

conditions and guarantees that are deemed necessary for the protection of the public interest.

4. Standards: No Special Permit shall be granted by the Board of Adjustment unless such Board shall find:
 - a. That the establishment, maintenance, or operation of the Special Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - b. That the Special Permit will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
 - c. That the Special Permit will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district(s);
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
 - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - f. That the Special Permit shall, in all other respects, conform to the applicable regulations of the District in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment.
5. Conditions and Guarantees: Prior to the granting of any Special Permit, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of

the Special Permit as is deemed necessary for the protection of the public interest and to secure compliance with the Standards specified in Subsection (4) above. In all cases in which Special Permits are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being complied with.

6. Revocation of Special Permit: In any case where the use under an approved Special Permit has not been established or construction commenced within one (1) year after the date of granting thereof, the Board may act to revoke the Special Permit, causing it to be null and void. In any case where the use under an approved Special Permit has been established but ceases for any reason for a period of more than one (1) year, the Board may act to revoke the Special Permit. Also, any person authorized to initiate a Special Permit may request that an approved Special Permit be revoked. Action to revoke an approved Special Permit shall follow the same process as action to initiate a Special Permit. Any Special Permit so revoked shall not be considered a legal non-conforming use.

B. Appeals.

[Ordinance 3973, 9/27/93]

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Waterloo affected by any decision of the City Planner or designee. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the City Planner or designee and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The City Planner or designee shall forthwith transmit to the Board

all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the City Planner or designee certified to the Board, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application of notice to the City Planner or designee, and on due cause shown.

C. Variances.

The Board of Adjustment may authorize upon request in specific cases such Variances from the terms of this Ordinance that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Special conditions shall include, but not be limited to, a property owner who can show that the property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of a specific piece of property or structure on the property or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations, the strict application of the terms of this Ordinance actually prohibits the use of the property in a manner reasonably similar to that of other property in the district. The Variance should be the minimum Variance that will make possible the reasonable use of the land, building, or structure, and not be injurious to the surrounding landowners, or otherwise detrimental to the public welfare. In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of this title and punishable as pro-

vided herein. Under no circumstances shall the Board of Adjustment grant a Variance to allow for a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District. Variances granted involving any regulation of Chapter 22, Floodway and Flood Plain Districts must meet the following applicable standards: [*Ordinance 5049, 6/20/11*]

1. No Variance shall be granted for any development within the Floodway District which would result in any increase in the 100-year level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands. [*Ordinance 3487, 6/15/87*]
2. Variances shall only be granted upon
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant the Variance would result in exceptional hardship to the applicant; and
 - c. a determination that the granting of the Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances. [*Ordinance 5049, 6/20/11*]
3. Variances shall only be granted upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.
4. In cases where the Variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the appli-

cant shall be notified in writing over the signature of the City Planner or designee that: (1) the issuance of a Variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and (2) such construction increases risks to life and property.

5. All Variances granted shall have the concurrence or approval of the Iowa Department of Natural Resources (IDNR).

D. Factors upon which the decision of the Board shall be based.

In passing upon applications for Conditional Uses or requests for Variances involving any regulation of Chapter 22, Floodway and Flood Plain Districts, the Board shall consider all relevant factors specified in other sections of this Ordinance; and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the purposed use.

8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.
12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges. [Ordinance 5049, 6/20/11]
13. Such other factors which are relevant to the purpose of this Ordinance.

E. Conditions Attached To Special Permits, Conditional Uses Or Variances.

Upon consideration of the factors listed above, the Board may attach such conditions to the granting of Special Permits, Conditional Uses or Variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation on periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, pro-

vided such are approved by the Iowa Department of Natural Resources (IDNR) and are deemed the only practical alternative for achieving the purposes of this Ordinance.

5. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. [Ordinance 3487, 6/15/87]

10-28-5 HEARINGS AND DECISIONS OF THE BOARD OF ADJUSTMENT.

[Ordinance 3393, 6/10/85]

A. Hearings.

The Board of Adjustment shall give a reasonable time for the hearing on an appeal, Special Permit, or Variance, shall give public notice thereof and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before a request is filed with the Board of Adjustment, the appellant shall pay to the City Treasurer to be credited to the general fund of the City of Waterloo a filing fee in accordance with the Schedule of Fees, as adopted by resolution by the City Council.

B. Decisions.

[Ordinance 3973, 9/27/93]

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper, and to that end shall have all powers of the

City Planner or designee. The concurring vote of three of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the City Planner or designee, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been spread upon the minutes. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection.

C. Appeals to the Court.

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the Office of the Board.

CHAPTER 29 PLANNING, PROGRAMMING, AND ZONING COMMISSION

10-29-1 APPOINTMENT - MEMBERSHIP.

A Planning, Programming, and Zoning Commission is hereby established which shall consist of six (6) members from the City at large and one member of each of the following boards and commissions of the City: Community Development Board, Human Rights Commission, and Waterloo School Board. The term of office of the members of the Commission who are appointed by the other boards and commissions shall coincide with their term of office on said board or commission. The members of the Commission from the City at large shall serve a term of office of three (3) years. Any Commission

member can be removed for cause by the City Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

10-29-2 RULES - MEETINGS - GENERAL PROCEDURE.

The Commission shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission may determine. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Commission and shall be a public record.

10-29-3 POWERS AND DUTIES.

The Planning, Programming, and Zoning Commission shall hold the following powers and discharge the following duties under this Ordinance:

- A. Make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the City, and of any land outside thereof, which, in the opinion of such Commission, bears relation to the Comprehensive Plan and program for development of the City, and shall submit these studies to the City Council. The Commission may publish its studies and recommendations.
- B. Review all plans, plats, or re-plats of subdivision or re-subdivision of land embraced in the City or adjacent thereto, laid out in lots or plats with streets, alleys or other portions of the same intended to be dedicated to the public in the City and all proposals for the vacation of a street, alley or public

ground as required by the Subdivision Ordinance, or requests to vacate an official plat or a portion of an official plat, or the vacation of any public easement.

- C. For the purpose of making a Comprehensive Plan and program for the physical development of the City, the Commission shall make careful and comprehensive studies of present conditions and future growth of the City with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, best promote health, safety, order, convenience, prosperity and general welfare, as well as efficiency and economy in process and development. Any and all plans and programs for the physical development of the City existing prior to the effective date of this Ordinance shall remain effective until revised or incorporated by a plan adopted according to this Section.
- D. Hold at least one (1) public hearing before the adoption of any such Comprehensive Plan or amendment thereto. The adoption of the Plan or amendment shall be by resolution of the Commission carried by the affirmative vote of not less than two-thirds (2/3) of the members in the case of adoption of a Comprehensive Plan and by simple majority of the members in the case of an amendment to an adopted Plan.
- E. Hold at least one (1) public hearing before any action on requests to change the zoning regulations or district boundaries.

- F. Review and provide recommendation on all Special Permits prior to Board of Adjustment review.
- G. Review and provide recommendation on such other matters as the staff or City Council shall find it advisable or essential to receive consideration by the Commission.
- H. For any matter requiring review and recommendation of the Commission, any recommending action shall only be valid for a period of one year if such matter has not been acted on by the City Council or Board of Adjustment. *[Ordinance 5288, 06/15/15]*

CHAPTER 30 OTHER PERMITS

10-30-1 PERMITS.

[Ordinance 3393, 6/10/85]

A. Occupancy Permits.

[Ordinance 3973, 9/27/93]

No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Building Official, City Planner, or designee, stating that the building and use comply with the provision of this Ordinance and the building and health ordinances of the City of Waterloo. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Building Official, City Planner, or designee. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this Ordinance.

Nothing in this part shall prevent the continuance of a non-conforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

A certificate of occupancy shall be required of all non-conforming uses. Application for certificate of occupancy for nonconforming uses shall be filed within twelve (12) months after the date of non-conformity, accompanied by affidavits of proof that such non-conforming use was not established in violation of Ordinance No. 1734 or amendments thereto.

B. Flood Plain Development Permit.

A Flood Plain Development Permit issued by the City Planner or designee shall be secured prior to initiation of any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes. *[Ordinance 5049, 6/20/11]*

1. Application for a Flood Plain Development Permit shall be made on forms supplied by the City Planner or designee and shall include the following information: *[Ordinance 3973, 9/27/93]*
 - a. Description of the work to be covered by the permit for which application is to be made.
 - b. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
 - c. Indication of the use or occupancy for which the proposed work is intended.
 - d. Elevation of the 100-year flood.
 - e. Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level

- to which a building is to be flood-proofed.
- f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - g. Such other information as the City Planner or designee deems reasonably necessary for the purpose of this Ordinance.
2. Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and shall be punishable as provided within this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance prior to the use or occupancy of any structure.
 3. All uses or structures in the Floodway, Floodway Fringe, General Flood Plain, and Shallow Flooding Districts requiring Special Permits shall be allowed only upon application to the City Planner or designee, with issuance of the Special Permit by the Board of Adjustment. Petitioners shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the Board of Adjustment. Where required, approval of

the Iowa Department of Natural Resources shall precede issuance of the Special Permit by the Board of Adjustment. [*Ordinance 3973, 9/27/93*]

C. Floodproofing Measures.

Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to the following:

1. Anchorage to resist flotation and lateral movement.
2. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
3. Reinforcement of walls to resist water pressures.
4. Uses of paints, membranes, or mortars to reduce seepage of water through walls.
5. Addition of mass or weight structures to resist flotation.
6. Installation of pumps to lower water levels in structures.
7. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
8. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.

9. Construction to resist rupture or collapse caused by water pressure or floating debris.
10. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures.
11. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.

D. Iowa Department of Natural Resources - Required Developmental Approval.

In addition to the Variance and Special Permit (Conditional Uses), approval by the Iowa Department of Natural Resources (IDNR) is required for, but not limited to, the following types of projects: [*Ordinance 3973, 9/27/93*]

1. Bridges, culverts, temporary stream crossings, road embankments in or on floodway of any river or stream draining more than two (2) square miles.
2. Construction, operation and maintenance of channel alterations on any river or stream draining more than two (2) square miles.
3. Construction, operation and maintenance of dams and impounding structures in the following instances:
 - a. Any dam designed to provide permanent storage in excess of eighteen (18) acre-feet.
 - b. Any dam which has a height of ten (10) feet or more and is designed to temporarily store more than five (5) acre-feet at the top of dam elevation, or impounds a stream draining two (2) or more square miles.
4. Construction, operation and maintenance of any levee or dike along any

stream or river draining more than two (2) square miles.

5. Waste or water treatment facilities on the flood plains of any river or stream draining more than two (2) square miles.
6. Construction, operation and maintenance of any sanitary landfill located on a flood plain or floodway of any river or stream draining more than two (2) square miles at the landfill site.
7. Construction, operation and maintenance of any pipeline crossings on any river or stream draining more than two (2) square miles.
8. Stream bank protective devices as follows:
 - a. Stream bank protective devices along any river or stream draining more than one hundred (100) square miles.
 - b. Stream bank protective devices along any river or stream draining between two (2) and one hundred (100) square miles where the cross sectional area of the river or stream channel is reduced more than three percent (3%).
9. Excavation on the floodway of any stream draining more than two (2) square miles.
10. Boat docks located on any river or stream (other than a lake) other than exempted non-floating boat docks permitted by the Iowa Conservation Commission.

**CHAPTER 31
SITE PLANS**

10-31-1 SITE PLANS.

Each application for a building permit shall be accompanied by a site plan in dupli-

cate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of application and site plans shall be kept in the office of the inspector of buildings.

CHAPTER 32 AMENDMENTS

[Ordinance 2903, 7/11/77]

[Ordinance 3102, 9/22/80]

10-32-1 AMENDMENTS.

- A. The City Council may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the City Council.
- B. Whenever any person, firm or corporation desires that any amendment, or change be made in this Ordinance as to any property in the City, there shall be presented to the Council a petition requesting such change or amendment, clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty (50) percent of the area of all real estate included within the boundaries of said tract as described in said petition. A plat shall be submitted showing the name, and address of the owners of record as found in the County Assessor's records of all property lying within two hundred fifty (250) feet of the boundaries of the proposed property to be rezoned. Owners of record

shall be considered the person or entity listed as the "tax mail to" contact from the records of the County Assessor and shall not include any road as defined herein or private parcel not-recognized in the records of the County Assessor. The Commission shall, upon receipt of said petition and plat, notify by mail all parties concerned as shown on said plat of a hearing to be held by said Commission. The notice of hearing shall be mailed at least ten (10) days prior to the hearing and shall contain a general description of the proposed property to be rezoned and the present and proposed zoning classification. The Commission may, upon the unanimous approval of the members present at a regular meeting, suspend the above hearing requirement and initiate the rezoning request.

- C. In case the proposed amendment, supplement or change be disapproved by the Commission or a protest be presented duly signed by the owners of twenty percent (20%) or more either of the area of land included in such proposed change or the land included in such proposed change, within two hundred (200) feet of the boundary of such proposed change, such amendment shall not become effective except by favorable vote of at least three-fourths (3/4) of all the members of the Council. Whenever any petition for an amendment, supplement or change of the zoning regulations herein contained or subsequently established shall have been denied by the City Council, no new petition covering the same property or the same property and additional property or any portion of the same property shall be filed with or considered by the Commission until four (4) months shall have elapsed from the date of denial by the City Council, un-

less the request changes significantly. [Ordinance 3747, 10/8/90] [Ordinance 5288, 06/15/15] For purposes of this Section, a proposed amendment, supplement or change shall include any major Site Plan Amendment.

No amendment, supplement, change or modification to the flood plain overlay district boundaries and regulations shall be undertaken without prior approval from the Department of Natural Resources. [Ordinance 3393, 6/10/85]

- D. Before any action shall be taken as provided in this part, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the City Treasurer a filing fee in accordance with the Schedule of Fees, as adopted by resolution by the City Council, to cover the costs of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law. [Ordinance 3889, 9/14/92] [Ordinance 4841, 10/16/06]
- E. As part of an ordinance changing land from one zoning district to another zoning district, or approval of a Site Plan Amendment, the City Council may impose conditions on a property which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing of the City Council or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change in zoning district or Site Plan Amendment. Said conditions shall be listed on the ordinance or resolution approving such change.

10-32-2 VIOLATION AND PENALTIES.

[Ordinance 3642, 5/1/89]
[Ordinance 3973, 9/27/93]
[Ordinance 4456, 1/22/01]
[Ordinance 5135, 11/5/12]

- A. Except as set forth in subsection B below, any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a municipal infraction and be subject to a civil penalty as set forth in section 1-3-2 of the Code of Ordinances.
- B. Any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the following provisions of this Ordinance shall be guilty of a municipal infraction and shall be subject to a civil penalty as set forth in section 3-2-11 of the Code of Ordinances: section 10-3-1 (specifically, the definitions of Alcohol Sales Uses and Floor Space therein), section 10-14-1(A)(4), sections 10-15-1(A)(1) and (A)(3), section 10-18-1(A)(2), section 10-24-1, section 10-26-1(C)(2), section 10-27-1(H)(15), section 10-27-1(Q), and 10-27-1(R).
- C. In addition to the penalties provided for in subsections A and B above, any person, firm, company or corporation that is guilty of a municipal infraction thereunder shall be subject to all of the remedies available under Iowa Code section 364.22 and any amendments thereto, including but not limited to ordering the defendant to abate or cease the violation, authorizing the City to abate or correct the violation, and ordering that the City's costs for abatement or correction of the violation be entered as a personal judgment against the defendant, assessed against the property where violation occurred, or both. In addition to the penalties stated above in this section 10-32-2, an administrative fee of one hundred dollars (\$100.00) will be

charged for the second offense occurring within one (1) year, and for additional offenses occurring within one (1) year the administrative fee shall be three hundred dollars (\$300.00) for each additional offense. Notice of the administrative fee, and procedures for payment, assessment, and appeal of same, shall be as set forth in section 1-3-2E of the Code of Ordinances.

- D. Each day that a violation is permitted to exist shall constitute a separate offense.
- E. The City Planner or designee is hereby designated and ordered to enforce this Zoning Ordinance.

10-32-3 ENFORCEMENT.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Building Official, City Planner, or designee, in addition to other remedies, shall institute any proper action or proceedings in the name of the City of Waterloo, Iowa, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about said premises. [Ordinance 3973, 9/27/93]

10-32-4 VALIDITY.

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

10-32-5 FEES.

[Ordinance 3085, 5/19/80]
[Ordinance 3889, 9/14/92]
[Ordinance 4630, 8/4/03]

Fees pertaining to permits and actions required by this Ordinance shall be in accordance with the Schedule of Fees, as adopted by resolution by the City Council. A copy of the Schedule of Fees shall be on file in the office of the City Planner.

CHAPTER 33 DUTIES AND RESPONSIBILITIES OF THE CITY PLANNER OR OFFICIAL DESIGNEE

[Ordinance 3393, 6/10/85]

10-33-1 INFORMATION TO BE OBTAINED OR MAINTAINED.

- A. It shall be the responsibility of the City Planner or his or her official designee to: [Ordinance 3973, 9/27/93]
 - 1. Review all flood plain development permit applications to ensure that the provisions of this Ordinance will be satisfied.
 - 2. Review all flood plain development permit applications to ensure that all necessary permits have been obtained from Federal, State or local governmental agencies.
 - 3. Obtain and record the actual elevation (in relation to mean sea level) or the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement.
 - 4. For all new substantially improved flood-proofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level); and

- b. Maintain the flood-proofing certifications required in Section 10-30-1(B)(2).
- 5. Maintain for public information all records pertaining to the provisions of this Ordinance.
- 6. Submit to the Federal Insurance Administrator an annual report concerning the community's participation in the National Flood Insurance Program.
- 7. Review subdivision proposals to ensure such proposals are consistent with the purpose of this Ordinance and advise the City Council of potential conflicts.
- 8. Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administrator. [*Ordinance 3973, 9/27/93*]
- 9. Notify the Federal Insurance Administration of any annexations or modifications to the City's boundaries.

ORDINANCE NO. 5079
PASSED AND ADOPTED THIS 17TH DAY OF OCTOBER, 2011.

/s/ Ernest G. Clark, Mayor

ATTEST:

/s/ Suzy Schares, City Clerk

Passed first reading on October 10, 2011

Passed second reading October 17, 2011

Passed third reading on October 17, 2011

Adopted on October 17, 2011

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