



DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Iris Lehmann, Planner I
DATE: July 19, 2018
SUBJECT: Revision to Section 29-168: Central Business District Overlay Zoning
Revision to Section 29-2: Definitions.

Introduction and Background:

The Central Business District Overlay provides guidance for building, site design standards, maintenance, and development within the district. City Staff has been working with Community Main Street (CMS) to clarify the review process and provide more objectivity to the design criteria of this section; specifically for new development and redevelopment. Establishing more objective standards in the overlay code will help both City Staff and the Planning & Zoning Commission be consistent in their reviews as well as create a vision of how the downtown should grow. Developers will also benefit by having a clear set of standards to follow. The proposed changes outline best practices of storefront design; many of which City Staff and CMS have already been holding developers accountable for but have never been clearly outlined in the code. The proposed code amendments aim to continue and strengthen the high level of development in the downtown.

A brief introduction of this effort was presented to the Planning and Zoning Commission at their regular January 24th, 2018 meeting. Based on initial feedback, language was drafted and presented to the Planning and Zoning Commission on their regular April 12th, 2018 meeting. Using the Commission's discussion on the drafted code, City Staff continued to work with CMS to refine the amendments to Section 29-168: Central Business District Overlay Zoning. City Staff presented the potential code changes to downtown stakeholders at a meeting hosted by CMS on June 26, 2018.

Summary of Proposed Amendments:

Section 29-2: Definitions:

- Adding a definition for "façade" and "storefront". Adding the definitions of these two terms, which are heavily used in the amendments to Section 29-168, ensures that there will be no confusion on their meaning.

Section 29-168: Central Business District Overlay Zoning:

- Existing residential buildings with up to seven units are exempted from the Planning & Zoning and City Council review process. Currently the overlay exempts only single

unit homes in the district from the review process. With this amendment there are 9 other properties (7 duplexes, 1 four unit conversion, and 1 five-unit conversion) that would become exempt. All of these properties are on the outer edge of the overlay district. Staff, Community Main Street, and the stakeholders present at the July 25th, 2018 meeting agreed that it was unnecessary to make these individuals go through the Planning & Zoning Commission and City Council review process if they wished to make an improvement to their property. Any new residential dwellings proposed within the district will still be required to go through the review process.

- Allowing smaller front yard setbacks for new construction and improvements. Many older buildings in the district are already closer to the street than the current code allows, creating a more urban and walkable environment. To keep this character throughout the district it is being proposed that all new commercial buildings in any zoning district within the overlay will be built to the front and corner of lots with a minimum front setback of 0 and a maximum front setback of 10 feet. For residential buildings the minimum front yard setback is decreased from 25 feet to 10 feet. This will allow for more flexibility for development and allow smaller lots to be better utilized. For commercial buildings this change also encourages parking to be placed behind a building to further promote walkability in the district.
- Adding building composition regulations. The proposed language of this section considers how a new building is physically composed. These proposed amendments are what City Staff and CMS have already been holding developers accountable for but have never been clearly outlined in the code. In order for the code to more objective it was agreed to include language specific to these best practices of building composition. These amendments include:
 - The use of vertical breaks or bays in order to break up long building walls. This can be done in multiple ways, including the grouping of windows or breaks in the wall plane.
 - Standards that will require or encourage elements that provide visual interest and emphasize the storefront.
 - Implementing a 14-foot minimum first floor commercial floor height. This is a best practice that has been shown to not only make commercial spaces more competitive but also protect and encourage a variety of commercial uses being able to utilize a space.
- Adding window and transparency requirements. These changes promote transparent windows at the pedestrian level of a storefront to invite views into the interior of the store. This is a common best practice that is necessary for a pedestrian-friendly shopping environment.
- Specifying types and percentages of materials permitted on the exterior of buildings. The goal of this section is to promote higher quality materials in the downtown, specifically: brick, stone, or terracotta. However the proposed code still promotes architectural variation by allowing up to 35% of a building's exterior to be other materials, for example architectural metal, cement board, and architectural CMU. Following best practices, the code also encourages the use of certain types of materials on specific locations on a building.
- Specifying the types of colors permitted in the district. The proposed code amendment provides a certain measure of objectivity to the review of color on buildings in the district. The proposed code would allow for earth and neutral colors to

be used on building facades. However language was included to allow other colors, e.g. bright colors, neon, etc., to be on a building but only as accents. This section does not apply to signage. It is a general best practice for a business logo or marketing colors to be primarily displayed in the signage of a building and not on the building itself.

- Adding building entry regulations. This section looks to codify best practices for entries that ensure building entries are safe, accessible, and pedestrian friendly. These amendments include that a building is accessible from the primary street, access to residential units is easily accessible and visible, longer buildings have multiple entrances, the main entrance is level with the sidewalk, and that the main entrance to a building is prominent in its design.
- Outlining the types of signs permitted in the overlay district. The current code requires anyone looking for signage requirements to refer to various other sections of the code. Putting all the signage requirements for this district in one place was one of the goals of this proposed ordinance amendment. Most additions in this section are collected from the other applicable code sections. However, there are three new proposed additions to this section of the code:
 - Allowing for “blade signs”, smaller projecting signs, to be closer to the sidewalk as they are purely meant for pedestrians.
 - Limiting the amount of window signs and film to keep windows transparent to further encourage a pedestrian friendly shopping environment
 - Decrease the allowable percentage of wall signage from 33% to 10%. This decrease in allowable wall percentage is more than what other communities allow for wall signage in downtown areas. This is consistent with what is currently in the downtown district.

Recommendation:

Staff recommends approval of the attached amendments to Section 29-2: Definitions and Section 29-168, Central Business District Overlay Zoning. Changes are noted in red font. Added language is underlined. Strike-through notation indicates language to be deleted.

If you have any questions or need additional information, please feel free to contact this office.

xc: Stephanie Sheetz, Community Development Director
Karen Howard, Planning & Community Services Manager

Sec. 29-168. - CBD, Central business district overlay zoning district.

- (a) *Purpose and intent* . The purpose of the CBD, central business district overlay zoning district (hereinafter the "overlay district") is to provide guidance for future development in the specified area and to encourage continued successful business development in the downtown Cedar Falls area, ~~particularly in the Main Street Parkade retail and service business area extending from First Street to Sixth Street. However, the overlay district may be extended over other nearby downtown areas.~~ The overlay district is intended to allow land uses and to encourage appropriate building design standards in a manner that complements and strengthens the downtown retail and service business sector. Originally developed as a compact, multi-functional, walkable environment, the overlay is intended to support pedestrian access and use. The provisions of this section shall apply in addition to any other zoning district regulations and requirements in which the land may be classified. In case of conflict, the more specific standard shall apply.
- (b) *Boundaries*. The CBD, ~~commercial central~~ business district overlay ~~zoning district~~ boundaries are generally outlined in the image below. The legal description and official zoning map of the overlay legally described on Attachment A to this ordinance (said attachment is not set out at length herein, but is on file in the office of the city clerk).

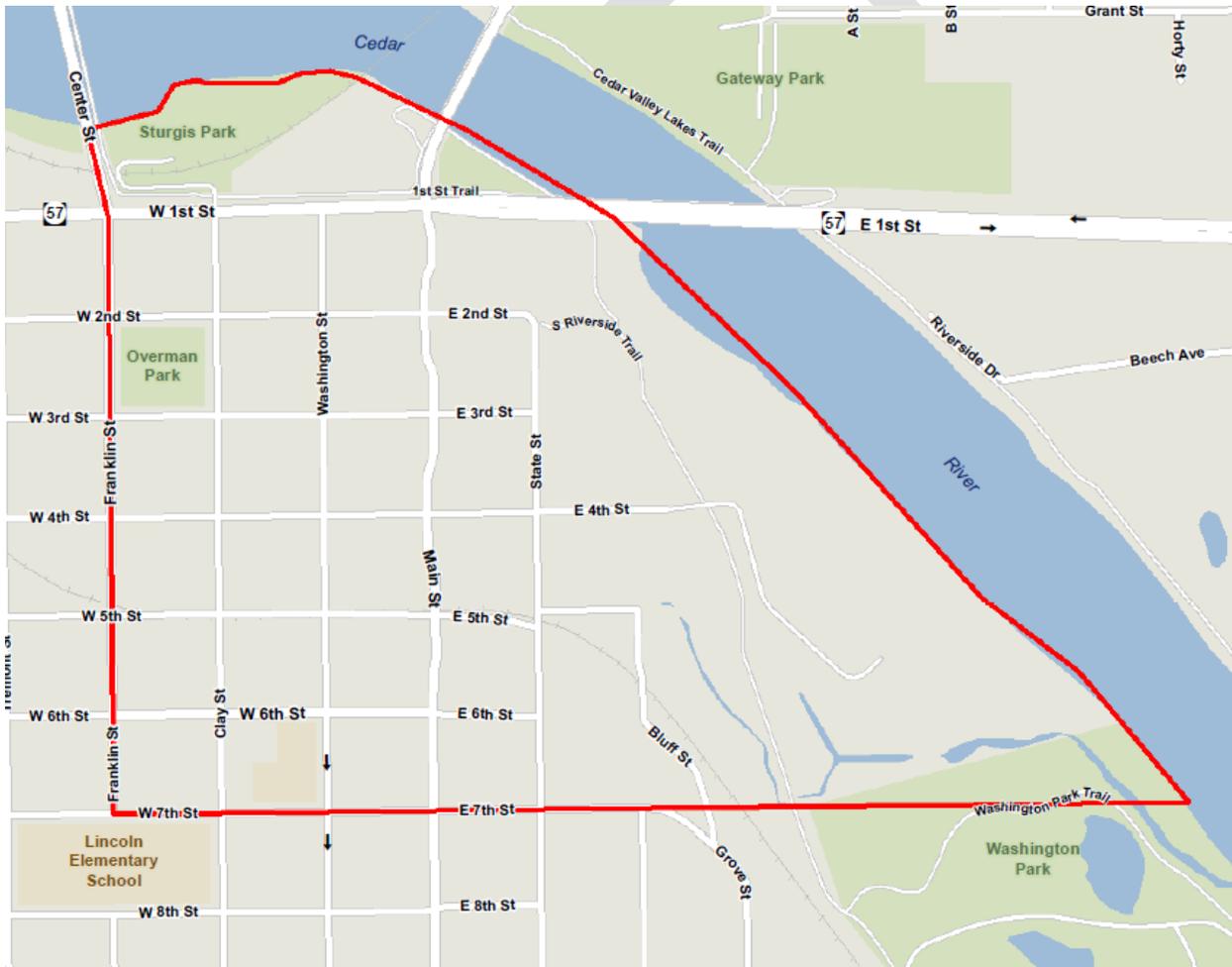


Figure 1 – CBD boundary map

~~(c) Definition.~~

~~"Substantial improvement" includes any new building construction within the overlay district or any renovation of an existing structure that involves any modification of the exterior appearance of the structure by virtue of adding or removing exterior windows or doors or altering the color or exterior materials of existing walls. All facade improvements, changes, alterations, modifications or replacement of existing facade materials will be considered a substantial improvement. Included in this definition are any new, modified or replacement awning structures or similar material extensions over the public sidewalk area. A substantial improvement also includes any increase or decrease in existing building height and/or alteration of the existing roof pitch or appearance. Routine repair or replacement of existing roof materials that do not materially change the appearance, shape or configuration of the existing roof will not be considered a "substantial improvement". Any new freestanding sign, projecting wall sign, or monumental sign, or an increase in size or height of any existing freestanding sign, projecting wall sign, or monumental sign, shall be considered a substantial improvement. Owner-occupied detached single family residences will not be subject to these regulations.~~

~~(cd) Permitted uses.~~

- (1) Allowable uses within the overlay district include typical commercial, professional office and service oriented businesses, uses or facilities, including hotels and lodging facilities, all such uses currently allowed in the C-1 commercial, C-2 commercial and C-3 commercial districts unless herein limited. If the underlying zoning district is more restrictive than the C-3 commercial district, then only those uses permitted in the more restrictive district shall be allowed.
- (2) Residential uses are allowable subject to planning and zoning commission and city council review and approval. No residential use may be established on the ground floor of any ~~building store front or shop front located~~ within the ~~Main Street Parkade retail and service~~ commercial area ~~bounded by extending from~~ First Street south to Sixth Street ~~from Washington Street east to State Street, and also extending at least one-half block in depth on any side street perpendicular to said Main Street Parkade area.~~ Residential uses are encouraged to be established in upper levels of downtown commercial ~~buildings~~ facilities.

~~(de) Conditional uses.~~ Where some question arises whether a particular commercial use is appropriate within the overlay district, the use may be allowed subject to planning and zoning commission and city council review and approval, provided that the proposed use conforms to the prevailing character of the downtown area and provided that the use will not necessitate the use of outdoor storage areas. In addition, such uses must not generate excessive amounts of noise, odor, vibrations or fumes, or ~~generate excessive amounts of~~ truck traffic. If the underlying zoning district is more restrictive than the C-3 commercial district, allowable conditional uses will be those generally compatible with the more restrictive standards of the underlying zoning district. Examples of uses that may be allowed subject to approval of a conditional use permit are:

- (1) Auto repair shop.
- (2) Printing or publishing facility.
- (3) Limited manufacturing activity that is directly related to the operation of a retail business conducted on the premises.
- (4) Plumbing and heating shop.
- (5) Sign painting shop.
- (6) Appliance repair shop.
- (7) Home supply business.

~~(ef) Prohibited uses.~~ In all cases the following uses will not be allowed within the overlay district either as permitted or conditional uses:

- (1) Lumber yards.
- (2) Used or new auto sales lots and displays.

- (3) Auto body shop.
- (4) Storage warehouse or business.
- (5) Mini-storage warehouse.
- (6) Sheet metal shop.
- (7) Outdoor storage yard.

(fg) *Site plan review.* Any proposed substantially improved or new building structure or development, including proposed residential facilities, must submit a detailed site plan and building plans for review and approval by the planning and zoning commission and the city council. Applicants are encouraged, but not required, to consult with Community Main Street's Design Guidelines and Design Committee as a design resource. Elements to be considered in this review process are proposed use, proposed building improvements or new structural elements, with particular attention to exterior building design elements, parking provision (see section 29-177 parking regulations if any), and how the proposed improvement or development will complement existing nearby uses and building design elements. ~~In the case of emergency repairs needed as the result of unanticipated building or facade damages due to events such as fire, vandalism, or weather related damages, site plan review will not be required, provided that the needed repairs do not alter the appearance of the structure prior to the event causing the unanticipated damages. Owner-occupied detached single-family dwellings will be exempt from this provision.~~

"Substantial improvement" includes any new building construction within the overlay district or any renovation of an existing structure that involves any modification of the exterior appearance of the structure by virtue of adding or removing exterior windows or doors or altering the color or exterior materials of existing walls. All facade improvements, changes, alterations, modifications or replacement of existing facade materials will be considered a substantial improvement. Included in this definition are any new, modified or replacement awning structures or similar material extensions over the public sidewalk area. A substantial improvement also includes any increase or decrease in existing building height and/or alteration of the existing roof pitch or appearance.

The following shall be exempt from site plan review:

- (1) Existing detached single-unit and multi-unit dwellings containing less than seven units; not including mixed use buildings.
- (2) Routine repair or replacement of existing roof materials, awnings, or other minor facade elements that do not materially change the appearance, shape or configuration of the existing building will not be considered a "substantial improvement".
- (3) Emergency repairs needed as the result of unanticipated building or facade damages due to events such as fire, vandalism, or weather related damages, provided that the needed repairs do not alter the appearance of the structure prior to the event causing the unanticipated damages.

(g) *Parking:* On-site parking in the downtown area will not be required for principal permitted commercial, professional office or service business uses or facilities. Any proposed residential use established within the overlay district must conform to the parking regulations described in section 29-177.

(h) *Front Setbacks.*

- (1) New commercial and mixed-use buildings shall be placed to the front and corner of lots, and set back a minimum of 0 feet and maximum of 10 feet from any street side lot line.
- (2) New residential or expansions of residential buildings shall be setback a minimum of 10 feet.

(ih) *Building design review.* All substantially improved or new building structures within the overlay district shall be reviewed by the planning and zoning commission and the city council for architectural compatibility with surrounding structures. Paramount ~~into~~ this review will ~~include be~~ consideration of building materials, exterior building materials on all sides, coloration of materials, building height, roof line, size and location of windows and doors, roof mounted appurtenances, and facades. For the

purposes of this section, when a building is located on a corner lot the primary street shall be the north-south street, with other streets being considered secondary. In addition to consideration of typical physical structural improvements to structures, review is also required of any wall painting, mural wall signs or painted artwork or other similar applications to exterior walls. The purpose of review of said exterior wall paintings or drawings is to ensure that said applications are consistent with the prevailing standards and character of the downtown area. The following design elements will be reviewed:

- (1) *Proportion:* The relationship of width and height of the front elevations of adjacent buildings shall be considered in the construction or alteration of a building. An effort should be made to generally align horizontal elements along a street frontage, such as cornice lines, windows, awnings and canopies. The relationship of width and height of windows and doors of adjacent buildings shall be considered in the construction or alteration of a building. Particular attention must be given to the scale of street level doors, walls and windows. Large expanses of blank walls spaces at the street level are to be discouraged. Elements such as windows, doors, columns, pilasters, and changes in materials, artwork, or other architectural details that provide visual interest must be distributed across the façade in a manner consistent with the overall design of the building.
- (2) *Roof shape, pitch and direction:* The similarity or compatibility of the shape, pitch and direction of roofs in the immediate area shall be considered in the construction or alteration of a building. Routine repair and maintenance or replacement of existing roof materials will not be subject to review provided that the existing roof line and configuration is not altered during the course of said repairs or maintenance.
- (3) *Pattern:* Alternating solid surfaces and openings (wall surface versus doors and windows) in the front facade, sides and rear of a building create a rhythm observable to viewers. This pattern of solid surfaces and openings shall be considered in the construction or alteration of a building.

(4) Building Composition (See Figure 2):

(i) To create visual interest and visually break up long building walls, facades on buildings greater than 50 feet in length shall be divided vertically into bays. Façade bays shall be a minimum of 20 feet wide and a maximum 40 feet wide. The bays shall be distinctive but tied visually together by a rhythm of repeating vertical elements, such as window groupings, pilasters, window bays, balconies, changes in building materials and textures, and/or by varying the wall plane of the façade.

(ii) To avoid flat, continuous, and overly long upper floor facades, the maximum length of a wall plane of the façade is 60 feet. Articulation between continuous upper floor façade sections shall be accomplished by recessing the façade 2 feet minimum for a distance of at least 10 feet. This recessed section would count as a façade bay per paragraph (i), even if the width is less than 20 feet.

(iii) Storefronts in mixed-use buildings shall be distinguished from the upper floors by a horizontal element, such as a cornice, band board, or soldier course to create a distinctive base to the building.

(iv) For all mixed-use and commercial buildings, the minimum ground floor, floor-to-structural ceiling height is 14 feet.

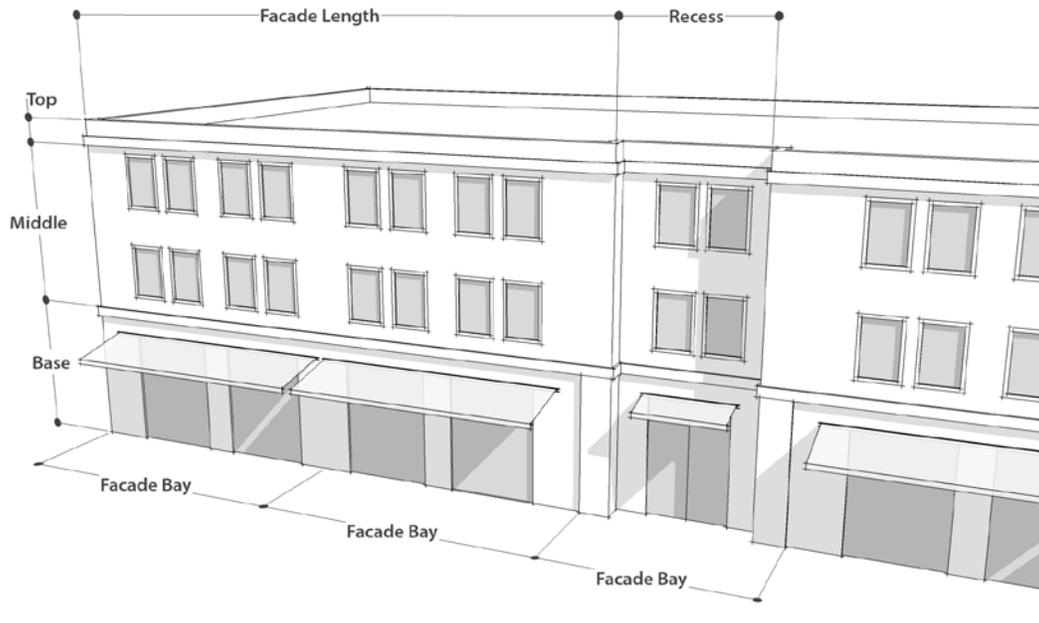


Figure 2 – Building composition example

(5) Windows and Transparency: The size, proportion, and type of windows need to be compatible with existing neighboring buildings. For storefronts, the following standards shall apply:

(i) 70% of the storefront area between 2 and 10 feet in height above the adjacent ground level shall consist of clear and transparent storefront windows and doors that allow views into the interior of the store. The bottom of storefront windows shall be no more than 2 feet above the adjacent ground level, except along sloping sites, where this standard shall be met to the extent possible so that views into the interior of the store are maximized and blank walls are avoided. Exceptions may be allowed for buildings on corner lots where window coverage should be concentrated at the corner, but may be reduced along the secondary street façade, and for repurposing of buildings not originally designed as storefront buildings (e.g. re-use of an industrial or institutional building).

(ii) Transom windows are encouraged above storefront display windows. Residential window types, reflective (mirrored), or colored glass are not allowed for storefronts.

(iii) Glazing should be clear and highly transparent to maximize views into the store. Low-E or tinted glazing will reduce transparency, so is discouraged for storefront windows, but if used, the glass chosen should have a high visible light transmittance and low reflectivity.

(iv) Reducing or removing existing storefront windows is discouraged and will require Planning & Zoning Commission and City Council approval.

(64) Materials and texture: The similarity or compatibility of existing materials and texture on the exterior walls and roofs of the buildings in the immediate area shall be considered in the construction or alteration of a building. A building or alteration will be considered compatible if the materials and texture used are appropriate in the context of other buildings in the immediate area.

Street-facing facades shall be comprised of at least 50% brick, stone, or terra cotta. Side and rear walls shall be comprised of at least 25% brick, stone, or terra cotta. These high quality materials should be concentrated on the base of the building.

The following materials may be used in limited amounts:

(i) Fiber Cement, Aluminum, Metal, Preformed Panels, Painted Wood, or anything similar – Up to 35 percent of any one siding material may be used on the street-facing façade and up to 40 percent of any other sides. These materials are not generally allowed for storefronts. Fiber cement board should be high quality and smooth-faced. Metal shall be heavy gauge and non-reflective. Durability and maintenance of the metal shall be carefully considered if used in high use areas.

(ii) Concrete and Precast Concrete- This includes site-poured or preformed concrete items. Use is limited to architectural elements such as window hoods, cornices, columns, capitals, etc. Architectural CMU may be used in combination with other materials such as brick, stone or terra cotta. Except for burnished/polished or glazed units, CMU is not generally allowed on the storefront level, however, architectural CMU, such as split-face, ground-face, and rock-face, may be used as an accent material on the storefront level.

(iii) EFIS may only be used for architectural detailing above the ground floor

(iv) In the case of an unenclosed rear or roof deck, stained wood is permitted.

(75) Color: The similarity or compatibility of existing colors of exterior walls and roofs of buildings in the area shall be considered in the construction or alteration of a building. Buildings in the downtown utilize earth and neutral tones; however, other colors can highlight the building's architectural features and are acceptable as accents. Accents generally include trim areas and comprise up to 15% of the façade. Painting unpainted brick or stone is discouraged.

(86) Architectural features: Architectural features including but not limited to cornices, entablatures, doors, windows, shutters, fanlights and other elements prevailing in the area shall be considered in the construction or alteration of a building. It is not intended that the details of existing buildings be duplicated precisely, but those features shall be suggestive of the extent, nature and scale of details that would be appropriate on new buildings or associated with building alterations.

(9) Building Entries: This section applies to new mixed use and commercial buildings.

(i) Primary entries to ground floor building space and to common lobbies accessing upper floor building space shall be located along street-facing facades. For buildings with more than one street-facing façade, entries along facades facing primary streets are preferred. Building entries along rear and side facades or from parking garages may not serve as principal building entries. Buildings with more than three street-facing facades shall have building entries on at least two street-facing sides.

(ii) For buildings that contain residential dwelling units, there must be at least one main entrance on the street-facing façade or façade facing a prominent residential courtyard that provides pedestrian access to dwelling units within the building. Access to dwelling units must not be solely through a parking garage or from a rear or side entrance.

(ii) For storefronts with frontage of 100 feet or more, a visible entryway shall be provided a minimum of every 50 feet.

(iii) Entryways into a storefront will be at grade with the fronting sidewalks.

(iv) Entryways shall be designed to be a prominent feature of the building. The use of architectural features such as awnings, canopies, and recessed entries are encouraged.

(107) Exterior mural wall drawings, painted artwork, exterior painting: These elements shall be reviewed to consider the scale, context, coloration and appropriateness of the proposal in relation to nearby facades and also in relation to the prevailing character of the downtown area. Exterior painting of detached single family-unit and two-family-unit residential structures within the district shall be exempt from this provision. Other multi-family-unit dwelling structures will be subject to this review.

(ii) ~~Signage . Typical business signage shall be permitted without mandatory site plan review by the planning and zoning commission and city council, unless said review is mandated by ordinance requirements.~~ All signage shall conform to requirements of the Cedar Falls sign regulations outlined in the Zoning Ordinance Section 29-202, except as provided for below:

(1) Freestanding signs:

- (i) When located adjacent to any street other than First Street, shall not exceed 15 feet in height and 40 square feet in surface area.
- (ii) When located adjacent to First Street, shall not exceed 25 feet in height and 60 square feet in surface area.

(iii) One freestanding or monument sign shall be allowed per lot provided all components are entirely on private property. In the case of a double frontage lot, a second sign may be considered.

(2iv) Monumental signs: Shall not exceed 8 feet in height and 40 square feet in surface area.

(2) Projecting signs: One projecting sign per business is permitted on the primary façade. Signs which are permitted to encroach over or upon public rights-of-way shall meet the following standards and clearance height:

(i) Vehicular ways: 14 feet clear above the vehicular way, unless public services necessitate higher clearance.

(ii) Pedestrian ways: 10 feet clear above the pedestrian way. For blade signs and awnings, the minimum clearance height shall be 8 feet.

(iii) Blade signs are limited to an area of 4 square feet and a projection of 2.5 feet from an exterior wall.

(iv) All projecting signs, excluding blade signs, shall project no further than half the width of the sidewalk that the storefront is located on or 5 feet, whichever is less.

(v) All projecting signs, excluding blade signs, shall be no larger in size than 1 square foot for each linear foot of the side of the building to which the sign is attached, not to exceed 40 square feet per sign face.

(vi) Corner projecting signs are those that are visible from two or more intersecting streets, and shall be allowed as long as they do not exceed 40 square feet per sign face.

(3) Window Signs and film: Permanent or adhered window signage and film shall not exceed 25% of glazing of the first 15 vertical feet of wall area and shall not be placed in a manner that prevents views into a storefront.

(4) Wall Signs: Wall signs shall not exceed 10% of the total wall area, and in no case shall exceed 10% of the area of the storefront. Wall signs on storefronts shall not extend beyond or above an existing sign band or extend over or detract from the architectural features of the building facade, such as cornices, pilasters, transoms, window trim, and similar.

(5) Billboards: Prohibited

(6) Roof signs: Prohibited

(7) Illuminated signs: Illuminated signs are permitted. External illumination should be provided by a continuous light source directed onto the sign. The use of internally lit signs (back-lit plastic) is acceptable for monument and freestanding signs. The use of internally lit wall and projecting signs (back-lit plastic) are permitted when the background is opaque at night.

(jk) *Removal or demolition of building structures.* Removal or demolition of structures within the overlay district is allowable, subject to securing a demolition permit with the city inspection services division. If no immediate building reconstruction plans are proposed within 30 days following building removal or demolition, the site shall be filled and graded to a topographic elevation equal to or level with

surrounding adjacent property natural grade levels. All drainage shall be directed away from existing buildings. Within 30 days of final grading of the site or at the earliest opportunity during the growing season conducive to plant germination, the site shall be seeded with grass. Reasonable efforts shall be taken by the property owner to ensure proper germination of the vegetation and the property owner must maintain the property in accordance with city ordinances.

l) Exceptions: The Planning and Zoning Commission and City Council may approve deviations from the standards if there are characteristics of the site or building that makes it difficult or infeasible to meet the requirements outlined in this section, such as buildings located on a corner lot, sloping sites, reuse of an existing building that was not originally designed as a storefront building, or other similar situation. To be granted an exception the applicant must provide:

(1) A detailed explanation of why the specific standard cannot be met;

(2) The proposed building is uniquely designed to fit the characteristics of the site and the surrounding neighborhood, is consistent with the purpose and intent of the CBD, Central Business District Overlay, and will not detract from or be injurious to other properties in the vicinity.

(3) The Planning and Zoning Commission or City Council may require an alternative design solution that is consistent with the intent of the standard being modified.

(Ord. No. 2477, § 1, 5-10-04; Ord. No. 2853, §§ 1—3, 9-8-15)

Sec. 29-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

Access drive means a driveway or easement allowing access to a lot not having frontage upon a street.

Accessory use or structure means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. Said accessory structures are customarily used for storage or parking purposes. No residential dwelling unit or business or commercial office may be established within an accessory structure.

Administrator means the federal insurance administrator, to whom the secretary has delegated the administration of the program.

Alley means a public way, other than a street, 20 feet or less in width, affording a secondary means of access to abutting property.

Apartment hotel means a building containing both dwelling units and rooming units, used primarily for permanent occupancy.

Assessed value means the assessed value for general property tax purposes of a property as established by the Assessor of Black Hawk County, Iowa.

Base Flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year (See 100-year (1%) flood). This is the regulatory standard also referred to as the "100-year flood". The base flood is the national standard used by the National Flood Insurance Program (NFIP) and all Federal Agencies for the purpose of requiring the purchase of flood insurance and regulating new development. Base Flood Elevations (BFEs) are typically shown on the Flood Insurance Rate Maps (FIRMs).

Basement means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Any basement situated with less than one-half of its height below grade shall be counted as a story for the purpose of height regulations. A basement having more than one-half of its height below grade is not included in computing the number of stories for the purpose of height measurement. Also see "Lowest floor."

Bed and breakfast enterprises is synonymous with lodging house or guest lodging and means any building or portion thereof containing not more than five guest rooms for which compensation is received for short-term overnight lodging.

Bed and breakfast inn is synonymous with hotel, and means a lodging establishment containing six or more guest rooms.

Boardinghouse means a building other than a hotel or other overnight lodging facility where, for compensation, lodging and meals are provided by the building owners or managers for resident boarders with meals for all resident boarders provided in a central kitchen facility within said building. Residents within said boardinghouse facility shall be accommodated with weekly, monthly, or yearly tenant agreements or leases.

Building means all residential housing, cabins, factories, warehouses, storage sheds and other walled or roofed structures constructed for occupancy by people or animals or for storage of materials.

Building, height of means the vertical distance from grade to the highest point of any roof ridge.

Building line means a line on a plat of official record indicating the minimum distance of open space that must be maintained between the property line and any structure on the lot.

Building setback (see Yard) means the minimum required area of unobstructed open space on a lot measured from the property line.

Carport means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. A carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements in this chapter.

Channel means a natural or artificial watercourse having definite banks and beds with visible evidence of flow or occurrence of water.

Clinic means a building used by physicians or dentists, osteopaths, chiropractors and allied professions for outpatient care of persons requiring such professional service.

Day nursery or nursery school means any private agency, institution, establishment or place which provides supplemental parental care or educational work, other than lodging overnight, to more than 12 children.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Driveway, commercial means an improved area that is designed and intended to provide vehicular ingress and egress from a public street or public alley to and across a private property. It provides access to facilities on the private property including parking lots, garages, warehouses or business sites. Commercial driveways may cross property lines to access multiple businesses when specifically permitted by the city.

Driveway, hard surface means a paved area, as defined in article VI, of chapter 23, of this Code. It does not include gravel or granular surface materials.

Driveway, residential means an improved area that is designed and intended or used to provide vehicular ingress and egress from a public street or public alley to and across a private property. Driveways shall be entirely paved with a hard surface material. Driveways may provide off-street parking for dwellings and access to garages, parking areas and parking lots, when these facilities are specifically permitted. See section 29-179 for additional regulations.

Dwelling means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin or travel trailer.

Dwelling, condominium means a multiple dwelling whereby the fee title to each dwelling unit is held independently of the others.

Dwelling, multiple means a residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

Dwelling, row means any one of three 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.

Dwelling, single-family means a detached residence designed for or occupied by one family only.

Dwelling, single-family bi-attached means a dwelling designed for or occupied by one family only which is erected on a separate lot and is joined to another such residence on one side only by a wall located on the lot line and which has yards on the remaining sides.

Dwelling, two-family means a residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms which is arranged, designed or used as living quarters for the occupancy of one family, containing bathroom or kitchen facilities.

Elevating means raising a structure or property by fill or other means to or above the minimum flood protection level.

Encroachment limits means a set of lines which delineate the boundaries of the floodway established in the floodplains as the designated width of channel and overbank areas through which the regulatory flood must pass.

Façade means the entire exterior wall of a building along a street, includes all stories.

Factory-built home park means a parcel or contiguous parcels of land divided into two or more factory-built housing lots for rent or sale.

Factory-built housing means any structure, designed for residential use, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. Factory-built housing includes mobile homes, manufactured homes and modular homes and also includes park trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Factory-built structure means any structure 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.

Fair market value means the dollar amount a person would be willing but not obligated to accept, and a buyer would be willing but not compelled to pay, for an item of sale. It is an estimate of what is a fair, economic, just and equitable value under normal local market conditions. In appropriate circumstances this may be the assessed value of the property.

Family means 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 persons.

Family day care home means an occupied residence in which a person provides supplemental parental care or educational work, other than lodging overnight, to more than six but not more than 12 children.

Flood means a temporary rise in the channel flow or stage, resulting from the 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.

Flood elevation means the elevation flood-waters would reach at a particular site during the occurrence of a specific flood. For instance, the "100-year flood" or the "100-year (1%) flood" is that flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year. The "500-year flood" or the "500-year (0.2%) flood" is that flood, the magnitude of which has a two-tenths of one percent (0.2%) chance of being equaled or exceeded in any given year.

Flood insurance rate map (FIRM) means the official map prepared as part of, but published separately from, the flood insurance study, which delineates both the flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study means a study initiated, funded or published by the Federal Insurance Administration and approved by the Federal Emergency Management Agency (FEMA), for the purpose of evaluating in detail the existence and severity of flood hazards, providing the city with the necessary information for adopting a floodplain management program, and establishing actuarial flood insurance rates.

Floodplain means any land susceptible to being inundated by water as a result of a flood.

Floodplain buildable area means that portion of the lot remaining after the minimum yard area requirements (i.e., setbacks) of this chapter have been met, and shall not include that portion of the property within the 500-year floodplain.

Flood profile means a graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to a location along a stream or river.

Floodproofing means a combination of structural provisions, changes or adjustments incorporated in the design or construction and alteration of individual buildings, structures or properties, including utilities, water treatment and sanitary facilities, which will reduce or eliminate flood damages.

Floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge floodwaters 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.

Floodway fringe means the land adjacent to a body of water between the floodway and the outer (landward) limits of the special flood hazard area, as defined by the regulatory flood as delineated on the official floodplain zoning map.

Floor area ratio means the gross floor area of all buildings on a lot, divided by the lot area on which the buildings are located.

Garage, private means an enclosed structure intended for the parking of the private motor vehicle of the families resident upon the premises.

Gasoline filling station means any building or premises used for:

- (1) The retail sale of liquefied petroleum products for the propulsion of motor vehicles, including sale of such products as kerosene, fuel oil, package naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products;
- (2) The rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and
- (3) The making of repairs to motor vehicles, except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring and frame repairs, major overhauling of engines requiring the removal of the engine cylinder head or crankcase pan, repairs to radiators requiring the removal thereof, or complete recapping or retreading of tires.

Group home means a community-based residential home which is licensed as a residential care facility or an intermediate care facility for the mentally retarded under I.C.A. ch. 135C or as a child foster care facility under I.C.A. ch. 237 to provide room and board, personal care, habilitation services and supervision in a family environment exclusively for handicapped persons, as defined in section 3602(f) of the Fair Housing Amendments Act, and any necessary support personnel. However, group home does not mean an individual foster care family home licensed under I.C.A. ch. 237.

Guest room means a room that is intended, arranged or designed to be occupied by no more than three guests, but in which no mechanical provision is made for cooking, heating or cooling of food or beverages.

Habitable space for flood protection purposes means any floor or level, including a basement, which is suitable for human habitation. It excludes a garage, a detached accessory structure, or an area for housing electrical, plumbing, heating, ventilating and other utility systems underneath a structure elevated to comply with flood protection requirements.

Historic structure means a structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register.
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic places in states with historic preservation programs which has been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of Interior or

2. Directly by the Secretary of Interior in states without approved programs.

Home occupation means a secondary use carried on entirely within the residence where there is no evidence of such occupation being conducted on the premises by virtue of outside storage, displays, noise, odors, electrical disturbances or traffic generation, with no more than one nonresident assistant and where not more than one-half of the floor area of any one floor is devoted to such use. Only one nameplate shall be allowed.

Hotel means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boardinghouse or roominghouse.

Junkyard means 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 automobile, tractor or machinery wrecking and used parts yards and the processing of used, discarded or salvaged materials as part of manufacturing operations, and not including contractors' storage yards.

Kennel means any premises on which four or more dogs or four or more cats, six months old or older, are kept. The term shall not include a veterinary hospital.

Landscape area means that area of private property maintained as open or "green" space, not subject to vehicular traffic, which consists of living landscape material.

Lot means 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 required in this chapter. No portion of an established floodway area lying within a lot or any access drive through a property shall be used in computing the number of dwelling units to be constructed. Such lot shall have frontage on a public street or private street and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) 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
- (4) A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

Lot, corner means a lot abutting upon two or more streets at their intersection.

Lot depth means the mean horizontal distance between the front and rear lot lines.

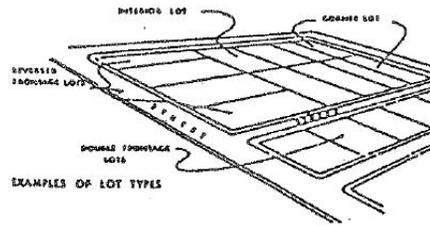
Lot, double frontage means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, interior means a lot other than a corner lot.

Lot lines means the lines bounding a lot.

Lot of record means a lot which is a part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, reversed frontage means a corner lot, the side street line of which is substantially a continuation



of the front line of the first platted lot to its rear.

;p0; *Lot width* means the width of a lot measured at the building line and at right angles to its depth.

Lowest floor means the floor of the lowest enclosed area in a building, including a basement, 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 floodway fringe performance standard pertaining to new and substantially improved structures;
- (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage;
- (3) Machinery and service facilities (e.g., hot water heater, furnace and electrical service) contained in the enclosed area are located at least one foot above the 500-year (0.2%) flood level; and
- (4) The enclosed area is not a basement.

In cases where the lowest enclosed area satisfies the criteria of subsections (1), (2), (3) and (4) of this definition, the lowest floor is the floor of the next highest enclosed area that does not satisfy such criteria.

Main body means that portion of a dwelling encompassed by the exterior walls as originally assembled or built. When a dwelling is irregularly shaped, the main body shall be construed as that portion of the structure occupying the majority of geometric bulk.

Manufactured home means a factory-built single-family structure, which is manufactured or constructed under the authority of 42 USC section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving 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. Manufactured homes shall be considered the same as any site-built single-family detached dwelling.

Mini-storage warehouses means a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized stalls or lockers for the storage of customers' goods or wares.

Mobile home means 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 also include any such vehicle with motive power not registered as a motor vehicle in the state. A mobile home is factory-built housing built on a chassis. 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. However, certain mobile homes may be classified as manufactured homes. Nothing in this chapter shall be construed as permitting a mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home.

Mobile home accessory building or structure means any awning, cabana, ramada, storage structure or carport, fence, windbreak or porch established for the use of the occupants of the mobile home on a mobile home space.

Mobile home space means a designated portion of the mobile home park designed for the accommodation of one mobile home and for its accessory buildings or structures for the exclusive use of the occupant.

Modular home means factory-built housing certified as meeting the Iowa State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

New construction (new buildings, new mobile home parks) means those structures or development for which the start of construction commenced on or after February 1, 1985.

Nursing or convalescent home means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent or physically disabled or injured persons, not including insane and other mental cases, inebriates or contagious cases.

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any watercourse or floodplain area 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 flow of water might carry material or structure downstream to the damage of other properties.

Official floodplain zoning map means the maps on file with the city that indicate those portions of land known as the floodway, floodway fringe and general floodplain, which are subject to the regulations of this chapter.

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

Parking area means that portion of a parcel of land that is improved and designated or commonly used for the parking of one or more motor vehicles.

Parking lot means an area improved and designated or commonly used for the parking of three or more motor vehicles.

Parking space, also Parking stall means an area measuring at least nine feet wide and 19 feet long for all commercial, institutional, or manufacturing uses or eight feet wide and 18 feet long for residential uses only, connected to a public street or alley by a driveway not less than ten feet wide, and so arranged as to permit ingress and egress of motor vehicles without moving any other vehicle parked adjacent to the parking space.

Permanent storage means the volume of water which is stored upstream from a dam or in an impoundment up to the level of the principal outlet works of the structure, usually expressed in acre-feet.

Porch, unenclosed means a roofed projection which has no more than 50 percent of each outside wall area enclosed by a building or siding material other than meshed screens.

Principal use means the main use of land or structures, as distinguished from an accessory use.

Program means the National Flood Insurance Program (NFIP).

Public damages shall consist of but not necessarily be limited to the following:

(1) Physical flood damage to:

- a. Streets.
- b. Sewers.
- c. Water mains.

- d. Other public utilities.
 - e. Public buildings.
 - f. Bridges.
 - g. Recreational trails.
- (2) Expenditures for:
- a. Emergency flood protection.
 - b. Evacuation and relief.
 - c. Rehabilitation and cleanup.
- (3) Losses due to:
- a. Interruption of utilities and transportation routes.
 - b. Interruption of commerce and employment.

Public sewer system means a municipally owned, operated and maintained sanitary sewer system.

Public water supply means a municipally owned, operated and maintained water supply.

Reach is a hydraulic engineering term used to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are primarily controlled by manmade or natural obstructions or constrictions. In an urban area, an example of a reach would be the segment of a stream or river between two consecutive bridge crossings.

Recreational vehicle means a vehicle built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Regulatory flood means a flood, the magnitude of which has a two-tenths (0.2%) of one percent chance of being equaled or exceeded in any given year. Regulatory flood is also referred to in this chapter as the "500-year flood" and the "500-year (0.2%) flood."

Roominghouse means an owner-occupied or manager-occupied single dwelling unit wherein individual sleeping rooms are provided to not less than three unrelated resident tenants. Not more than one kitchen facility shall be established within said structure wherein meals may be prepared by resident tenants. Said rooming or boarding facility shall be distinctive from transient lodging facilities such as hotels, beds and breakfasts, other overnight lodging facilities or public eateries. Residents within said roominghouse facility shall be accommodated with weekly, monthly, or yearly tenant agreements or leases.

Satellite receiving dish means a device whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources, most often comprised of an antenna/dish, a low-noise amplifier, and a coaxial cable whose purpose is to carry the signals to a receiver.

Site coverage ratio means that proportion of the lot on which buildings and outdoor storage of materials and products may be placed.

Special Exception Permit means an authorization by the City Board of Adjustment to allow building improvements or other development when such project conforms with specified rules, regulations and/or performance standards required for said improvements or development in special areas of the City as identified by the Zoning Ordinance.

Storefront means the area of a façade at ground level. The square footage of the storefront will be calculated using the first 15 vertical feet of the façade, unless otherwise demonstrated by applicant.

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

Story, half means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level.

Street line means the right-of-way line of a street.

Street, private means any private way 20 feet or more in width which is approved by the city council after recommendation by the city planning and zoning commission.

Street, public means any thoroughfare or public way not less than 30 feet in width which has been dedicated to the public or deeded to the city for street purposes, and also any such public way as may be created after enactment of this chapter, provided it is 40 feet or more in width.

Structural alterations means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

Structure means anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, factories, sheds, cabins, factory-built housing, storage tanks and other similar uses. For zoning purposes anything, excluding fences, judged to be permanently affixed to the site and measuring at least 30 inches in height, as measured from natural grade, shall be considered a structure.

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

Substantial improvement means any improvement to a structure which satisfies either of the following criteria:

- (1) Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the fair market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to ensure safe living conditions; or
 - b. Any alteration to an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (2) Any addition which increases the original floor area of a structure by 25 percent or more. All additions constructed after February 1, 1985, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent. The term does not, however, include either:
 - a. Any project or 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 ensure safe living conditions; or
 - b. Any alteration which will not preclude the structure's continued designation as a historic structure.

Temporary storage means a volume of water which may be stored upstream from a dam or in an impoundment above the level of the principal outlet works, usually expressed in acre-feet.

Travel trailer means a towed recreational vehicle ranging from ten to 35 feet in length and a maximum of eight feet in width.

Wind energy conversion system means a device or assemblage of devices which directly or indirectly converts wind energy to usable thermal, mechanical or electrical energy.

Variance means a grant of relief by a community from the terms of the zoning ordinance.

Violation means the failure of a structure, property, property use or other development to be fully compliant with City regulations.

Yard means an open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from 30 inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

Yard, front means a yard extending across the full width of the lot and measured between the front lot line and the building.

Yard, rear means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots, the rear yard is the opposite end of the lot from the front yard.

Yard, required means that portion of the front yard, side yard and rear yard as established by the setback requirements of the zoning district or of this chapter. It must be maintained in open, unobstructed space as measured from the property line to the required setback line except for allowable yard encroachments as outlined in section 29-83. If the building structure is located at the required setback line, then the setback distance shall be measured from the property line to the foundation of the structure. Refer to Figure 1.

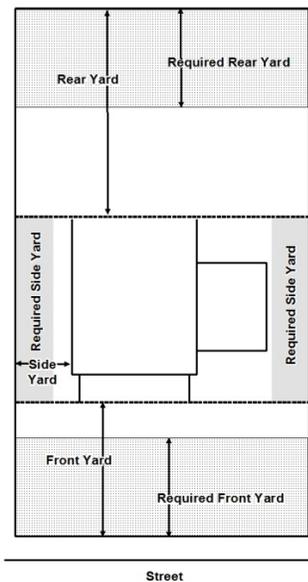


Figure 1

Yard, side means a yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

(Ord. No. 2750, § 1, 7-11-11; Ord. No. 2837, § 1, 3-2-15; Ord. No. 2847, § 1, 7-20-15)

Cross reference— Definitions and rules of construction generally, § 1-2.