ORDINANCE NO. 93791-0417

AN ORDINANCE AMENDING TITLE 10
OF THE CITY CODE, ZONING ORDINANCE

WHEREAS, the current zoning ordinance, contained in Title 10 of City Code, largely dates to the early 1970's and is structured to implement the vision contained in the 1968 Comprehensive Plan. In September of 2013 a new Comprehensive Plan was adopted. Rewriting the zoning ordinance is the most important step in implementing the vision of the new Comprehensive Plan, with the new Comprehensive Plan becoming the basis of a revised Zoning Ordinance; and

WHEREAS, because of the scope of rewriting an entire zoning ordinance, the project will be broken into several pieces. The first set of proposed changes will deal with chapters regulating parking, garage and accessory buildings, fences, cell towers, animals in residential areas, and sight triangle regulations. In addition to these major proposed changes, there is also formatting changes and minor updating being proposed for the rest of Title 10; and

WHEREAS, the Planning and Zoning Commission on February 14, 2017 voted to recommend the approval of revisions to Title 10, Zoning Ordinance; and

WHEREAS, a public hearing on March 2, 2017 was conducted by the City Council of Muscatine prior to the adoption of this ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA:

SECTION 1. The currently adopted versions of Title Ten of the City Code are hereby deleted and **Exhibit A** as attached hereto is adopted in lieu thereof. The entire City Code is available in the City Clerk's Office or online at www.muscatineiowa.gov.

SECTION 2. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

SECTION 4. This ordinance shall be in effect from and after the passage, approval, and publication of this ordinance, as provided by law

PASSED, APPROVED AND ADOPTED this 6th day of April, 2017.

By the City Council of the City of Muscatine, Iowa

Diana L. Broderson, Mayor

ATTEST:

Gregg Mandsager, City Administrator

First Reading: March 2, 2017
Second Reading: March 16, 2017
Third Reading: April 6, 2017
Publication: _____

Title 10 – Zoning

SUBJECT	CHAPTER
Zoning Purposes	1
Zoning Districts; Map	2
AG Agricultural District	3
FP Flood Plain District	4
FC Flood Channel (Floodway) District	5
R-1, R-2, and R-3 Residential Districts	6
R-4 Residential District	7
R-5 Residential District	8
R-6 Residential District	9
R-L Large Scale Residential Development District	10
C-1 Neighborhood and General Commercial District	11
C-2 Central Commercial District	12
C-3 Planned Commercial District	13
M-1 Light Industrial District	14
M-2 General Industrial District	15
S-1 Special Development District	16
S-2 Institutional – Office District	17
S-3 Large Scale Mixed Use Development (MXD) District	18
A-P Airport District	19
Garage, Accessory Building, & Accessory Uses	20
Signs, Canopies, and Awning Regulations	21
Fence Regulations	22
Mobile Home Regulations	23
Nonconforming Use Regulations	24
Cemetery Development Standards	25
Additional Height, Yard, and Density Regulations	26
Off-Street Parking & Loading Regulations	27
Sight Distance Triangle Regulations	28
Keeping of Animals in Residential Districts	29
Wireless Technology Siting Ordinance	30
Administration	31
Definitions	32

Title 10 – Zoning

Chapter 1 – Zoning Purposes

Sections

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

10-1-1 Short Title

These regulations shall be referred to as the Zoning Ordinance of the City of Muscatine, Iowa.

10-2-1 Basic Intent and Purpose

A. These regulations have been based upon the comprehensive plan for the City of Muscatine, which was adopted by the City of Muscatine. Said comprehensive plan included estimates of population growth; land use surveys; a land use plan; plans for major thoroughfares, other transportation facilities, community facilities, public services, and utilities; and a public works program.

B. Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvement of the physical environment.

C. The regulations are intended to preserve and protect existing property uses and values against adverse or unharmonious adjacent uses.

D. The land use regulations divide the area into a number of zoning districts:

1. Because of frequent and costly flooding, some areas should be kept in their natural state and not developed and development in other areas required to include adequate floodproofing. These would be included in a Flood Plain District.
2. The comprehensive plan indicated the need for various land uses such as commerce, residence, industry, transportation, and public uses. These urban uses should be directed into that land area where they may be most efficiently served by public services and facilities, such as sewers, water, schools, parks, public transportation, and the like. Remaining lands should be reserved agricultural and rural uses. Consequently, the regulations include an Agricultural District for agricultural and non-urban land uses.

3. In the past, residential neighborhoods have deteriorated due to encroachment by isolated commercial and industrial uses. The great majority of our population live in single-family homes which they own. The regulations establish residential districts particularly designed to provide maximum protection for single-family homes.
4. Other residential districts are established for two family homes, mobile homes, town houses, and for apartments. Density, yard, and parking regulations would insure good living conditions in these areas. Much of present day building is by large projects instead of lot by lot. A Large-Scale Residential District is provided where large-scale projects may be located with approval of the site plan. This introduces an important measure of flexibility into the regulations.
5. Commercial districts recognize the different types of commercial areas that will be needed by the future growth of the community. There is a zoning district for the neighborhood commercial area, i.e., the grocery store, drugstore complex serving the adjacent residential neighborhoods and for the more widely used commercial areas along major streets and highways. There is a central commercial district for the downtown area and a special "planned district" for commercial development based on a site plan.
6. For industry there are two districts: a "light" industrial district for manufacturing and related industrial activity, and a "general" industrial district which provides for additional uses with approval under the provision for conditional uses.
7. A Special Development District has also been furnished to provide the opportunity for imaginative site development with a variety of uses in special areas of the City.
8. The regulations emphasize the character as well as location and density of the land uses. Special inducements are offered for good design of apartment areas. Landscape planting is required in all front yards and for automobile filling stations, parking lots, and garages. Advertising is carefully controlled.
9. The regulations are reasonable in relation to existing conditions. Yard dimensions are adjusted to peculiarities of existing lots. Lots that are now too small may be used provided current building setbacks can be maintained.

10. All uses are required to provide their own off-street parking (with a few exceptions). Over a period of years, enforcement of this requirement will enable streets to be used primarily for traffic movement.

11. Each of the regulations have been designed to work harmoniously with the others with the totality providing that minimum degree of land use control essential to the realization of the optimum urban environment.

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

Title 10 – Zoning

Chapter 2 – Zoning Districts; Map

Sections

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

10-2-1 Use Districts

The City of Muscatine is hereby divided into the following specific districts:

AG - Agricultural

FP - Flood Plan

FC - Flood Channel

R-1 - Single-Family Residential

R-2 - Single-Family Residential

R-3 - Single-Family Residential

R-4 - Two-Family Residential

R-5 - Multi-Family Residential

R-6 - Multi-Family Residential

RL - Large-Scale Residential Development

C-1 - Neighborhood and General Commercial

C-2 - Central Commercial

C-3 - Planned Commercial

M-1 - Light Industrial

M-2 - General Industrial

S-1 - Special Development

S-2 - Institutional; Office

S -3 - Large Scale Mixed Use Development (MXD) District

A-P - Airport District

10-2-2 District Map and Boundaries

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

10-2-3 Effect of Vacations on Boundaries

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

10-2-4 New or Annexed Land

All territory which may hereafter be annexed to the City of Muscatine shall automatically be placed in the AG Agricultural District until otherwise changed by ordinance.

10-2-5 Areas Under Water

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

10-2-6 Flood Insurance Rate Maps

The boundaries of the Flood Plain District are hereby established as the areas classified as “Zone AE or Zone A”; and the boundaries of the Flood Channel (Floodway) District are here by established as the areas shown as “Floodway Areas in Zone AE” on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016 which were prepared as part of the Flood Insurance Study for

Muscatine County. These maps 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.

10-2-7 District Regulations

Except as hereinafter provided:

A. No structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

B. No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.

C. No structure shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.

D. The density and yard regulations of this Ordinance are minimum regulations for each and every building existing at the effective date of this Ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.

E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this Ordinance.

F. No strucutre shall be erected or structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of this Ordinance.

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

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

I. Site Plan Review

1. Approval of site plans should be made in accordance with good planning practices, taking into consideration: adequate parking areas, safe ingress and egress to the site, sufficient landscaped areas, adequate screening of unsightly areas such as loading docks, trash containers and parking areas.

Further, the development of one site should not cause problems relating to surface drainage, noise, lighting, signing, and incompatible relationships between new and existing adjacent land uses.
Site plan review is required for all new construction on undeveloped land in the following situations:

a. The C-1 and C-2 Commercial Districts.

b. The M-1 and M-2 Industrial Districts.

c. All non-residential development in the Residential Districts.

d. For multi-family construction of more than four (4) units per lot.

e. Site plan review approval is required in all of the above situations where remodeling, modification or alteration of an existing structure will increase the square footage by fifty percent (50%) or more.

f. A filing fee for such site plan review shall be charged as established.

2. Approval

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

3. Site Plan Information to be Provided and Required Elements

General Criteria

a. A plan drawn to scale indicating the property boundaries of the site, the dimensions of all lot lines and square footage or acres involved.

b. All points of access to and from the site should be identified, and include data on location, width, and type of all proposed curb and access points.

c. Parking layout and a notation listing the number of the required parking spaces and the number to be provided. Indicate the estimated traffic to be generated by completed development and peak periods during the day.

d. The location of all structures, either existing or proposed, for the site. This also includes sign size, type and location as well as any outside lighting.

e. The location of all utilities available to the site and the location of all laterals to be extended to serve the proposed development.

f. The development shall not cause surface drainage to flow onto adjacent property. The site plan shall indicate a drainage plan with sufficient control grades to indicate the handling of surface drainage.

g. Indicate the construction schedule, and stages of development if applicable; construction shall begin within one year of approval of the site plan. An extension shall be requested if construction has not taken place within this one year period.

h. Noxious fumes, including dust, that are in sufficient quantity to be harmful to health shall not be emitted beyond the property line.

i. Noise, including vibration, shall not cause the ambient noise level as measured at the property line to exceed 75 decibels (dba).

j. No outside lighting shall shine directly onto adjacent property.

Landscaping and Screening Criteria

k. Landscaping plans are required and shall indicate existing site conditions as well as proposed plants and shrubs identified by botanical name and size.

l. Ground covers shall be specified to be planted densely enough to provide 80% coverage within three years of installation and 100% coverage when plant material reaches maturity.

m. A regular schedule for maintaining all landscape areas shall be established. Any trees, shrubs, and plants which fail to show healthy growth shall be replaced within two years of the date occupancy is granted.

n. Parking areas shall be screened from adjacent streets and properties by a screening fence (at least 75% opaque) or a compact evergreen hedge at least four feet high to screen out headlights, unless otherwise approved due to extenuating circumstances. Planted areas shall be bordered by concrete, masonry or railroad tie curbs at least 6 inches high for protection during snow removal and other vehicular damage.

o. Screening with natural vegetation and fences shall otherwise comply with all provisions of the City Code.

p. On-site trash bins, receptacles, including bottle redemption device, outside storage or holding areas, and mechanical equipment shall be screened from view by screening fence (at least 75% opaque) or compact evergreens of sufficient height and density to screen the view at maturity or within 3 years whichever is first.

Title 10 – Zoning
Chapter 3 – AG Agricultural District

Sections

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

10-3-1 Permissive Uses

A. Agricultural activity and raising and selling of livestock, except that all livestock operations or farms with livestock in excess of ten (10) head shall have a minimum lot area of twenty (20) acres and shall not locate any feed lot or accessory structures within two hundred feet (200') from any lot in any Residential District.

B. Single-family dwelling, provided that it has a minimum lot area of two (2) acres.

C. Public park, playground, and recreational area.

D. Privately operated recreational facility, including riding stable, lake, swimming pool tennis court, and golf course, except miniature course or driving range, provided that any accessory building in connection therewith shall be located not less than two hundred feet (200') from any lot in any Residential District.

E. Public and private forest, wildlife preservation, or similar conservation project.

F. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.

G. Place of worship.

H. Greenhouse or nursery for the raising of flowers and other horticultural products, including the raising of such products for sale on the premises.

I. Cemeteries of ten (10) acres or more in size. Also note Chapter 10-25 for Cemetery Development Standards.

J. Roadside stand designed for temporary or seasonal use and which is adjacent to a road and which is used for the sale of farm products primarily produced or grown on the premises.

K. Animal hospital, veterinary clinic, or kennel, provided that any building or enclosure in connection therewith shall be at least one hundred feet (100') from any lot in any Residential District.

L. Grain bin and farm-related building, which is used in connection with on-premises agricultural activity.

M. Watertower.

N. Historic site open to the public.

10-3-2 Conditional Uses

A. Extraction of coal, sand, gravel, top soil, and other natural resources

B. Airport, except that all airport facilities are exempt from the height and area regulations and accessory use regulations; provided further, that all airport facilities shall be developed in accordance with current Federal Aviation Administration specifications and guidelines.

1. Airport or aircraft-related commercial activities, provided that such activities are located completely within the property of the airport.
2. No use of any land shall be made under this Section which violates the provisions of Title 10, Chapter 19 of this City Code.

C. Electrical distribution substation, pipeline pumping station, sewage lagoon, or sanitary landfill.

D. Farm implement operation for the sale of new and used farm equipment and implements including the accessory service and maintenance thereof.

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

E. Farm supply sales of the following primary products:

1.
    a. Agricultural chemicals.
    b. Liquid and dry bulk fertilizer.
    c. Feed.
    d. Fuel.
    e. Ancillary agricultural products as approved by the Zoning Board of Adjustment.
    f. Ancillary carryout food items, packaged ready to consume convenience snacks and non-alcoholic beverages.

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

10-3-3 Height, Area, & Setback Requirements

A. Maximum Structure Height: 35 feet, except for as provided for in Title 10, Chapter 26.
B. Minimum Front Yard Depth: 50 feet.
C. Minimum Side Yard Depth: 20 feet.
D. Minimum Rear Year Depth: 50 feet.
E. Minimum Frontage: 100 feet.
F. Minimum Lot Area: 2 acres.
G. Minimum Lot Area per Family: 2 acres.

Title 10 – Zoning

Chapter 4 – FP Flood Plain District

SECTIONS:

10-4-1 Intent and Purpose
10-4-2 District Boundaries
10-4-3 General Provisions
10-4-4 Permissive Uses
10-4-5 Conditional Uses
10-4-6 Height, Area, Parking Requirements
10-4-7 Flood Control Manual
10-4-8 Administration
10-4-9 Variances
10-4-10 Hearings and Decisions of the Board of Adjustment
10-4-11 Definitions

10-4-1 Intent and Purpose

A. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. It is the purpose of the Flood Plain District to apply special regulations to the use of land in those areas of the City which are subject to predictable inundations at frequent intervals and to assure that flood carrying capacity within the altered or relocated portion of any watercourse is maintained. Such land use controls are necessary to qualify property owners for flood insurance under the National Flood Insurance Act of 1968 (as amended).

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

D. The standards required by this Chapter are considered reasonable for regulatory purposes. This Chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Muscatine or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made there under.

10-4-2 District Boundaries

A. The boundaries of the Flood Plain District are hereby established as the areas classified as "Zone AE or Zone A" on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016 which were prepared as part of the Flood Insurance Study for Muscatine County. These maps 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.

B. All lands included in such Flood Plain Districts shall be subject to the terms imposed herein, in addition to the terms imposed by any other zoning use district in which said lands should be located.

10-4-3 General Provisions

A. It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail.

B. All activities in this district shall obtain all necessary permits required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

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

10-4-4 Permissive Uses

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

A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

B. Open 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 horseback riding trails.

C. Marinas.

D. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

E. For residential districts, area within the Flood Plain District, may be used for computing lot area requirements and may, therefore, be used for yard and park areas.

F. Storage yard for materials and equipment not subject to removal or major damage by flood waters.

10-4-5 Conditional Uses.

A. Any permissive or conditional use in the Zoning District applicable to the location in question and not identified as a permissive use in Section 10-4-4 is considered a conditional use.

B. Any man-made change to improved or unimproved real estate located in the Flood Plain District, including but not limited to buildings or other structures (including the placement of factory built buildings), mining, dredging, filling, grading, paving, excavation, or drilling operations, is considered a conditional use.

C. In addition to complying with the provisions contained within Section 10-22-1 of the City Code, conditional uses in the Flood Plain District must meet the following criteria to be approved:

1. Any proposed new construction or substantial improvements including the placement of factory-built buildings shall meet the following standards:

a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, designed and/or modified and anchored to prevent flotation, collapse, or lateral movement of the structure.

b. Use construction materials and equipment that are resistant to flood damage.

c. Use construction methods and practices that shall minimize flood damage.

d. New and substantially improved structures must be constructed with electrical, heating, ventilation, 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.

e. Factory-built homes including those placed in existing factory-built

home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structures is a minimum of one foot above the 100-year flood.

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

g. All new and substantially improved residential and nonresidential structures with fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

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 floodwaters.

iv. Such areas shall be used solely for parking of vehicles, building access, low damage potential storage.

h. All new construction or substantial improvements of nonresidential structures located in the Flood Plain District shall have the lowest floor (including basement) elevated one foot above the level of the 100-year flood or together with all attendant utility and sanitary systems be flood proofed. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that:

i. The floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood level; and

ii. That the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water.

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

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

k. 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.

l. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

m. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

n. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

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

p. All applications for conditional use permits for new or substantially improved structures shall be accompanied by records of elevations and flood proofing levels, and whether or not such structures contain a basement. It shall be the responsibility of the applicant to obtain the appropriate topographic data, engineering studies, or other studies needed by the Zoning Board of Adjustment, the City Administrator or his/her designee, and/or other appropriate agency or official. All such data shall be prepared and certified by technically qualified persons and will be maintained by the City Administrator or his/her designee.

q. All applications for conditional use permits for new or substantially improved structures shall be reviewed by the City Administrator or his/her designee to determine if the site of the proposed improvements is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State law (including Section 404

of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

r. 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 foot above the 100- year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

s. 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 three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

t. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

i. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than one foot above the Base Flood Elevation must be constructed of flood-resistant materials.

ii. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

iii. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

iv. The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

v. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

vi. The structure’s walls shall include openings that satisfy the provisions of 10-4-5 (C)(1)(g) of this Ordinance.

2. All subdivision proposals and all other proposed new developments located in the Flood Plain District shall be reviewed by the appropriate agency to assure that:

a. All such proposals are consistent with the need to minimize flood damage.

b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage.

c. Adequate drainage is provided to reduce exposure to flood hazards.

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

e. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood

3. Factory-built home development is considered a conditional use in the Flood Plain District, provided the subject property is appropriately zoned for such use and further provided that such development follows the procedures designed in the Zoning Ordinance for consideration of such use.

a. For new factory-built home parks, for expansions to existing factory-built home parks and for existing factory-built home parks where the repair, reconstruction, or improvement of streets, utilities, and pads equal or exceeds 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced, it is required that:

i. Ground anchors for tie downs be provided in accordance with the Mobile Home Manufacturers Association standards.

ii. The special flood hazard is disclosed to the factory built home and/or lot purchaser or lessee in the purchase contract, deed or lease. Notification of both the 100-year flood elevation and the regulatory flood protection elevation shall be provided.

iii. Adequate surface drainage and easy access for a hauler is provided.

iv. In the instance of elevation on piers, lots are large enough to permit steps, and steel reinforcement is provided for piers more than six feet high.

v. Stands or lots are elevated on compacted fill or piers so that the lowest floor of the home will be one foot above the level of the 100-year flood.

b. For factory built homes moving into existing factory-built home parks, where concrete pads for the placement of factory built homes are in existence and where street and utility connections are in existence, it is required that:

i. Ground anchors for tie downs are required in accordance with the Mobile Home Manufacturers Association standards.

ii. The special flood hazard is disclosed to the factory built home and/or lot purchaser or lessee in the purchase contract, deed, or lease. Notification of both the 100-year flood elevation and the regulatory flood protection elevation shall be provided.

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

5. Further, requirements for recreational vehicles placed on sites within Zone AE or Zone A on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016:

a. Be on the site for fewer than 180 consecutive days.

b. Be fully licensed and ready for highway use, or

c. Meet the permit, elevation and anchoring requirements for "manufactured homes".

d. 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.

10-4-6 Height, Area, & Parking Requirements

The height, area, and parking requirements must conform to the district on which the Flood Plain District is superimposed.

10-4-7 Flood Control Manual

The 2002 Flood Control Manual for the City of Muscatine, as amended, is hereby adopted by reference. Said Flood Control Manual shall have the same force and effect as though fully set forth herein. Copies of said Flood Control Manual are available in the office of the City Clerk.

10-4-8 Administration

Duties and responsibilities of the City Administrator or his/her designee, specifically relating to this Chapter, shall include, but not necessarily be limited to the following:

A. Review conditional use permit applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

B. Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.

C. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

D. Submit to the Federal Insurance Administrator an annual report concerning the City of Muscatine's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

E. Notify the Federal Insurance Administration of any annexations or modifications to the City of Muscatine corporate limit.

F. A conditional use permit issued by the Administrator shall be secured prior to any floodplain development (any man-made 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

10-4-9 Variance

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. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) 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.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. 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.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) 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 (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

10-4-10 Hearings and Decisions of the Board of Adjustment

A. Hearings

Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions

The Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in Section 10-4-10 (B) 2.

1. **Factors Upon Which the Decision of the Board of Adjustment Shall be Based**
   In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

   a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

   b. The danger that materials may be swept on to other land or downstream to the injury of others.

   c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

   d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

   e. The importance of the services provided by the proposed facility to the City.

   f. The requirements of the facility for a floodplain location.

   g. The availability of alternative locations not subject to flooding for the proposed use.

   h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

   i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

   j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

   k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

   l. 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.

   m. Such other factors which are relevant to the purpose of this Ordinance.

2. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

    a. Modification of waste disposal and water supply facilities.

    b. Limitation of periods of use and operation.

    c. Imposition of operational controls, sureties, and deed restrictions.

    d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

    e. Floodproofing 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 floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

6. Appeals to the Court - Any person or persons, jointly or severally, 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.

10-4-11 Definitions

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

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

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

Existing Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 25, 1981.

Expansion of Existing Factory-Built Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

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

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

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

A. For locations in areas classified as “Zone AE” on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016: the flood elevation is the base flood elevation shown on the Flood Insurance Rate Map.

B. For locations in areas classified as "Zone A" on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016:, and located south of Hershey Avenue one of the two methods shall be used to calculate the base flood elevation:

1. Computed using data on file with the City Engineer, or;
2. The Iowa Department of Natural Resources may be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such a calculation.

C. For locations in areas classified as "Zone A" on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016:, and located north of Hershey Avenue, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such a calculation.

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

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

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

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

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

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

Historic Structure - Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of Interior, or
2. Directly by the Secretary of Interior in states without approved programs.

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

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 10-4-5(C)1(d), and

B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level, and

D. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C, and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

New Construction: Structures for which the start of construction commenced on or after August 25, 1981 and includes any subsequent improvements to such structures.

New Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of first floodplain management regulations adopted by the community.

100-Year Flood - A flood, the magnitude of which has a one 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 100 years.

Recreational Vehicle - A vehicle which is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use of a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

Special Flood Hazard Area - The land subject to the "100-year flood". This land is identified as Zone A or AE on the Flood Insurance Rate Map for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016.

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, was 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 and 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.

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

Substantial Improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, which satisfies following criteria:

A. The cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after August 25, 1981 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent

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 official and which are the minimum necessary to assure safe living conditions or

B. Any alterations of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance - A grant of relief by a community from the terms of the floodplain management regulations.

Violation - The failure of a structure or other development to be fully compliant with the regulations contained in this chapter.

Title 10 – Zoning

Chapter 5 – FC Flood Channel (Floodway) District

SECTIONS:

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

10-5-1 Intent and Purpose

1. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
2. It is the purpose of the Flood Channel (Floodway) District to apply special regulations to the use of land in those areas of the City which are subject to predictable inundation and flow of flood waters such that the floodway efficiency will not be affected, or its capacity restricted. Such land use controls are necessary to qualify property owners for flood insurance under the National Flood Insurance Act of 1968 (as amended). The regulations, while permitting reasonable economic and social use of such properties, will help protect the public health, safety, and general welfare and reduce financial burdens imposed on the community, governmental units, and its individuals caused by frequent and periodic floods and the overflow of lands.
3. The standards required by this Chapter are considered reasonable for regulatory purposes. This Chapter does not imply that areas outside the designated Floodway District areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Muscatine or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made there under.

10-5-2 District Boundaries.

The boundaries of the Flood Channel (Floodway) District are here by established as the areas shown as "Floodway Areas in Zone AE" as shown on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016, which were prepared as part of the Flood Insurance Study for Muscatine County. These maps 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.

All lands included in such Flood Channel (Floodway) District shall be subject to the terms imposed herein.

10-5-3 General Provisions

A. It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provision of this Chapter shall prevail.

B. All activities in this district shall obtain all necessary permits as required by Federal or State law (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

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

10-5-4 Permissive Uses

The following open space uses shall be permitted within the Flood Channel (Floodway) District to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, placement of factory built buildings, fill, other obstructions, excavation, alteration of a watercourse, or storage of materials or equipment unless as otherwise provided by this Ordinance.

A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

B. Industrial and commercial uses such as docks, dock piers, boat landings, loading areas, parking areas, and airport landing strips.

C. Open 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 horseback riding trails.

D. Open space, nonstructural uses such as lawns, gardens, parking areas, and play areas.

E. For residential districts, area within the Flood Channel (Floodway), may be used for computing lot area requirements.

F. Other water-oriented uses such as dams, power plants, underground pipelines, canals, drainage ditches, and bridges, provided such uses shall be approved by the Iowa Department of Natural Resources and meet other applicable Federal, State, and local regulations (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334).

10-5-5 Conditional Uses

Any use that includes structures, placement of factory-built buildings, fill, other obstructions, excavation, alteration of a watercourse, or storage of materials or equipment requires a conditional use permit.

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses shall be permitted which acting alone or in combination with existing or proposed uses affects unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood. For any such use, review shall be conducted by the Iowa Department of Natural Resources to determine if the proposed use would increase in flood levels within the community during the occurrence of the base flood.

10-5-6 Responsibility for Studies

Where topographic data, engineering studies, or other studies are needed by the appropriate City agency and/or Iowa Department of Natural Resources to determine the effects of flooding on a structure and/or the effects of the structure on the flow of water, the applicant shall submit such data or studies. All such data shall be prepared by technically qualified persons. All such data shall be maintained by the City of Muscatine.

10-5-7 Administration

Duties and responsibilities of the City Administrator or his/her designee, specifically relating to this Chapter, shall include, but not necessarily be limited to the following:

A. Review conditional use permit applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

B. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

10-5-8 Definitions

Words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application, additionally definitions as contained in Section 10-4-11 shall also apply to this Chapter.

Title 10 – Zoning

Chapter 6 – R-1, R-2, & R-3 Residential Districts

Sections

10-6-1 Permissive Uses
10-6-2 Conditional Uses
10-6-3 Height, Area, & Setback Requirements

10-6-1 Permissive Uses

A. Single-family dwelling.

B. Public park or playground.

C. Place of worship.

D. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.

E. Golf course, except miniature courses and driving tees operated for commercial purposes.

F. Agricultural activity, except that all livestock operations or farms with livestock in excess of ten head shall have a minimum lot area of twenty acres and shall not locate any feed lot or accessory structures within 200 feet of any lot in any Residential District.

G. Privately operated lake, swimming pool, tennis court, or similar recreational uses on a site of not less than five acres, provided that any building in connection therewith shall be located not less than 200 feet from any lot in any Residential District; but not a miniature golf course or driving tee operated for commercial purposes.

H. Cemeteries existing at the time of the adoption and incorporation of this amendment December 4, 1986 namely Greenwood Cemetery, Saint Mary's Cemetery and Memorial Park Cemetery.

10-6-2 Conditional Uses

A. Group home sponsored by a religious, education, or eleemosynary institution, provided that such home:

1. Has single kitchen facilities;
2. Is under 24 hour adult supervision
3. Is not a penal or mental institution; and
4. Has not more than 50% of the site area occupied by buildings.

B. Nursing, rest, or convalescent home, provided that it is:

1. Located at least 50 feet from any lot in any Residential District;
2. Situated on a site of not less than 20,000 square feet; and
3. Has not more than 50% of the site area occupied by buildings.

C. Hospital, provided that:

1. It is located at least 100 feet from any lot in any Residential District;
2. It is situated on a site of not less than five acres;
3. It has not more than 50% of the site area occupied by buildings; and
4. The building is set back from all required yard lines an additional foot for each foot of building height.

D. Educational or philanthropic institution, provided that:

1. It is located at least 50 feet from any lot in any Residential District;
2. Is situated on a site of not less than 20,000 square feet; and
3. Not more than 50% of the site area is occupied by buildings.

E. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.

F. Conversion of single-family homes into two-family homes in those locations where on July 19, 1973, more than 40% of the frontage on one side of the street between two intersecting streets was used for two-family homes or two-family homes and multiple-family dwellings.

G. Electrical distribution, substation, or pipeline pumping station or water tower.

H. Cable T.V. broadcast facility and tower.

I. Funeral home, provided that:

1. The facility is connected to a sanitary sewer;
2. Ample off-street parking is available as determined by the Zoning Board of Adjustment;
3. All parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge- type landscaping, or the equivalent;
4. Outside lighting does not shine directly onto adjacent property; and
5. That the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.

J. Any contiguous site expansion to existing cemeteries listed in 10-6-1(H) above shall be subject to review and approval by the Zoning Board of Adjustment.

K. Bed and Breakfast Homes within an existing residence constructed prior to 1930 and located in an R-3 Zoning District. (Refer to DEFINITIONS in Chapter 32).

L. Clinic as a Conditional Use in the R-3 Single Family Residential District specifically within the geographical area described as those lots adjacent to and fronting along Young Avenue, real estate located on the southeast side of Parham Street between Young Avenue and Cedar Street and that real estate north of Cedar Street between Parham Street and the hospital located at 1518 Mulberry Avenue.

M. Barber or beauty shop within an owner-occupied home that:

1. It consists of one (1) single chair;
2. Has a minimum of two (2) off-street standard parking stalls for this chair; and
3. Otherwise complies with the definition of a Home Occupation (10-32-1).

N. Iowa Certified Assisted Living Facility. This development provides for integrated levels of services and housing for senior living arrangements. The intent is a campus like setting on a minimum of three (3) acres, served by all utilities. The project may consist of a mixture of single detached units, cluster units with shared common areas and townhouse type congregate living features.

10-6-3 Height, Area, & Setback Requirements

A. Maximum Structure Height (R-1, R-2, and R-3): 35 feet, except for as provided for in Title 10, Chapter 26.

B. Minimum Front Yard Depth (R-1, R-2, and R-3): 25 feet.

C. Minimum Side Yard Depth:

1. R-1 and R-2 Districts: 10 feet.
2. R-3 District: 6 feet.

D. Minimum Rear Yard Depth (R-1, R-2, and R-3): 25 feet

E. Minimum Frontage:

1. R-1 District: 100 feet
2. R-2 District: 80 feet
3. R-3 District: 60 feet

F. Minimum Lot Area and Minimum Lot Area Per Family:

1. R-1 District: 20,000 Square Feet
2. R-2 District: 10,000 Square Feet
3. R-3 District: 7,000 Square Feet

Title 10 – Zoning

Chapter 7 – R-4 Residential District

Sections

10-7-1 Permissive Uses
10-7-2 Conditional Uses
10-7-3 Height, Area, & Setback Requirements

10-7-1 Permissive Uses

A. Two-family dwelling.

B. Single-family dwelling.

C. Rowhouses, townhouses, and three or four-family houses where the site being developed is one-half acre or larger.

D. Public park or playground.

E. Place of worship.

F. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.

G. Golf course, except miniature course and driving tees operated for commercial purposes.

H. Mobile home park subdivision. Mobile home shall mean a factory-assembled or manufactured dwelling unit, with the necessary utility connections, which is transported to a site and affixed to a permanent frost-free foundation. Mobile homes shall be located as a Conditional Use in the R-4 District and comply with Title 10, Chapter 23 of City Code, if the site on which they are located is to be leased by the occupant of the mobile home. If the purpose of the development of a mobile home park is to sell individual lots in fee to the occupants of mobile homes, then the following shall apply:

1. Proposed, mobile home parks shall be a minimum size of ten acres prior to the subdivision of the tract into individual lots.
2. Mobile home parks shall be located in the R-4 Residential District. The rezoning shall be based on a development plan for the entire mobile home park.
3. The subdivision of real estate for mobile home lots shall comply with all applicable standards of Title 11 of the City Code, entitled Subdivision

Regulations. Further, said subdivisions shall comply with the provisions of the design criteria set forth in this Chapter.

4. Upon development of a mobile home park, the axle, tongue, and wheels shall be removed, the unit shall be affixed to a permanent frost-free foundation and the license shall be turned over to the County Assessor and the unit shall then be taxed as real property along with the land on which it is situated.

5. All mobile home park subdivisions shall be developed in accordance with the design and performance standards set forth in this Chapter.

6. Design and performance standards:

- **a.** The minimum area to be considered for a mobile home park subdivision shall be ten acres.
- **b.** Individual lots shall be a minimum of 5,000 square feet;
- **c.** Each lot shall have a minimum of 50 feet of frontage on an improved public street.
- **d.** The following minimum setback criteria shall apply to the perimeter property lines of each individual lot:
  - **i.** Front yard: 15 feet
  - **ii.** Side yard: 6 feet
  - **iii.** Rear yard: 10 feet
- **e.** A minimum of two improved off-street parking spaces shall be provided for each mobile home.
- **f.** All utilities shall be underground.
- **g.** The only accessory storage structure permitted shall be a maximum of nine feet by ten feet affixed to a four-inch-thick concrete slab.
- **h.** Garages for the storage of motor vehicles are permitted.
- **i.** The permanent frost-free foundation shall not extend more than 36 inches above grade.
- **j.** Landscaping will be required, as appropriate, by the Planning and Zoning Commission around the perimeter of the mobile home park subdivision. This will be determined on a case-by-case review.
- **k.** All standards for roads, sidewalks, utilities, easements, and other applicable criteria as outlined in Title 11 of the City Code, entitled Subdivision Regulations, shall apply to the subdivision of real estate for mobile homes.

l. Private recreation areas are encouraged within the mobile home park subdivision. Deed covenants established by the subdivider may accomplish this, the ongoing maintenance would be the responsibility of the subdivider or a homeowner's association.

m. All fences shall comply with Title 10, Chapter 22.

n. In view of the reduced setback requirement, a safe line of sight is needed as vehicles back into the street.

o. All restrictive covenants shall be submitted to the Commission for review, but enforcement of these provisions shall be the responsibility of the subdivider, his assigns or homeowners: association and shall not be the responsibility of the City of Muscatine.

p. Other related items may be required by the Commission and City Council as determined on a case-by-case review.

q. Upon approval of the final plat, any future changes to the plat and lot arrangement shall be reviewed and approved by the Commission.

10-7-2 Conditional Uses

A. Mobile homes in accordance with the provisions of Title 10, Chapter 23.

B. Group home sponsored by a religious, education, or eleemosynary institution, provided that such home:

1. Has single kitchen facilities;
2. Is under 24 hour adult supervision; and
3. Is not a penal or mental institution.

C. Nursing, rest, or convalescent home, provided that it is:

1. Located at least 50 feet from any lot in any Residential District; and
2. Situated on a site of not less than 20,000 square feet.

D. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.

E. Electrical distribution station, pipeline pumping station, or water tower.

F. Funeral home, provided that:

1. The facility is connected to a sanitary sewer;
2. Ample off-street parking is available as determined by the Zoning Board of Adjustment;

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

G. Barber or beauty shop within an owner-occupied home that:

1. Does not exceed a single chair
2. Provides minimum two off-street standard parking stalls per chair;
3. Otherwise complies with the definition of a Home Occupation (10-32-1);
4. Where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-7-3 Height, Area, & Setback Requirements

A. Maximum Structure Height: 35 feet, except for as provided for in Title 10, Chapter 26

B. Minimum Front Yard Depth: 25 feet

C. Minimum Side Yard Depth: 6 feet

D. Minimum Rear Year Depth: 25 feet

E. Minimum Frontage: 50 feet

F. Minimum Lot Area: 5,000 square feet

G. Minimum Lot Area per Family:

1. Single Family: 5,000 square feet
2. Two Family: 2,500 square feet
3. Multiple: Overall site must be at least ½ acre in size.

Title 10 – Zoning

Chapter 8 – R-5 Residential District

Sections

10-8-1 Permissive Uses
10-8-2 Conditional Uses
10-8-3 Height, Area, & Setback Requirements

10-8-1 Permissive Uses

A. Multiple-family dwellings or townhouses on tracts of not less than three acres.

B. Rooming house or boarding house.

C. Single and two-family dwelling.

D. Group home sponsored by a religious, education, or eleemosynary institution, provided that such home:

1. Has single kitchen facilities;
2. Is under 24 hour adult supervision; and
3. Is not a penal or mental institution.

E. Nursing, rest, or convalescent home, provided that it is:

1. Located at least 50 feet from any lot in any Residential District;
2. Situated on a site of not less than 20,000 square feet; and
3. Has not more than 50% of the site area occupied by buildings.

F. Private club, fraternity, sorority, or lodge, excepting when the chief activity of which is a service customarily carried on as a business.

G. Public park or playground.

H. Place of worship.

I. Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.

J. Golf course, except miniature course and driving tees operated for commercial purpose.

K. Clinics, but not animal clinics.

10-8-2 Conditional Uses

A. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.

B. Electrical distribution station, pipeline pumping station, or water tower.

C. Funeral home, provided that:

1. The facility is connected to a sanitary sewer.
2. Ample off-street parking is available as determined by the Zoning Board of Adjustment.
3. All parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge- type landscaping, or the equivalent.
4. Outside lighting does not shine directly onto adjacent property.
5. That the following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.

D. Barber or beauty shop within an owner-occupied home that:

1. Does not exceed two chairs.
2. Provides minimum two off-street standard parking stalls per chair.
3. Otherwise complies with the definition of a Home Occupation (10-32-1).
4. Where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-8-3 Height, Area, & Setback Requirements

A. Maximum Structure Height: 35 feet, except for as provided for in Title 10, Chapter 26

B. Minimum Front Yard Depth: 25 feet

C. Minimum Side Yard Depth: 6 feet

D. Minimum Rear Year Depth: 25 feet

E. Minimum Frontage: 50 feet

F. Minimum Lot Area: 5,000 square feet

G. Minimum Lot Area per Family:

1. Single Family: 5,000 square feet
2. Two Family: 2,500 square feet
3. Multiple: 1,000 square feet

Title 10 – Zoning

Chapter 9 – R-6 Residential District

Sections

10-9-1 Permissive Uses
10-9-2 Conditional Uses
10-9-3 Height, Area, & Setback Requirements

10-9-1 Permissive Uses

A. Single-family or two-family dwelling.

B. Rowhouses, townhouses, or multiple-family dwellings on tract no less than three (3) acres nor more than five (5) acres.

C. Public park or playground.

D. Place of worship.

E. Public school, elementary or high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.

F. Golf course, except miniature course and driving tees operated for commercial purposes.

G. Public park or playground.

H. Clinic, except animal clinic.

I. Nursing, rest, or convalescent home, provided that it:

1. Is located at least fifty feet (50') from any lot in any Residential District;
2. Is situated on a site of not less than twenty thousand (20,000) square feet; and
3. Has not more than fifty percent (50%) of the site area occupied by buildings

10-9-2 Conditional Uses

A. Nursery, day care center, or play school, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with the requirements of the Zoning Board of Adjustment.

B. Electrical distribution station, pipeline pumping station, or water tower.

C. Funeral home, provided that:

1. The facility is connected to a sanitary sewer;
2. Ample off-street parking is available as determined by the Zoning Board of Adjustment;
3. All parking areas are screened from adjacent property with a minimum four-foot high (above vehicle headlights) screening fence (75% opaque), hedge- type landscaping, or the equivalent;
4. Outside lighting does not shine directly onto adjacent property; and
5. The following not be permitted: crematory, emergency ambulance service, exterior display of grave monuments or markers.

D. YMCA, a YWCA, or a Family "Y" which is affiliated with the National "Y" Organization, provided that any substantial change in activities to be conducted on the site after original approval shall be subject to review by the Zoning Board of Adjustment in the same manner as the original Conditional Use.

E. Barber or beauty shop within an owner-occupied home that:

1. Does not exceed two chairs;
2. Provides minimum two off-street standard parking stalls per chair;
3. Otherwise complies with the definition of a Home Occupation (10-31-1).
4. Where the predominate use of the structure prior to the ancillary use of a barber or beauty shop is non-residential, an outside employee with standard off-street parking (one per employee) may be considered.

10-9-3 Height, Area, & Setback Requirements

A. Maximum Structure Height: 35 feet, except for as provided for in Title 10, Chapter 26

B. Minimum Front Yard Depth: 25 feet

C. Minimum Side Yard Depth: 6 feet

D. Minimum Rear Year Depth: 25 feet

E. Minimum Frontage: 50 feet

F. Minimum Lot Area: 7,000 square feet

G. Minimum Lot Area per Family:

1. Single Family: 7,000 square feet
2. Two Family: 3,000 square feet
3. Multiple: 3,000 square feet.

Title 10 – Zoning

Chapter 10 – R-L Large Scale Residential Development District

Sections

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

10-10-1 Purpose

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

10-10-2 Location

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

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

10-10-3 Intensity of Land Use

A. The following chart shall be used to determine the residential density range to be permitted within the R-L District:

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

B. Where a proposed R-L development is a combination of different residential types, the Planning and Zoning Commission shall evaluate the planned development's density range based upon the relative proportion of residential types proposed. If single or two-family houses are proposed, each house must have a minimum lot area of 7,000 square feet; this may consist of direct ownership and/or common interest in real estate within the development.

10-10-4 Permissive Uses

A. Single-family, two-family, townhouse and multiple-family residential.

B. Park or playground.

C. Customary accessory or associated uses, such as private garages, storage spaces, recreational, and community facilities.

D. Additional uses shall be allowed only to the extent that the Planning and Zoning Commission find them to be:

1. Designed to serve primarily the residents of the R-L District.
2. Compatibly and harmoniously incorporated into the unitary design of the development.
3. Compatibly and harmoniously related to adjacent neighborhood uses. Such additional uses may include:
    - **a.** Place of worship.
    - **b.** Public or private school.
    - **c.** Institution.
    - **d.** Public or semi-public facility.
    - **e.** Golf course, tennis courts, swimming pool, or other sports facilities.
    - **f.** Nursery, rest, or convalescent home.
    - **g.** Day care center.

10-10-5 Height & Setback Requirements

A. Maximum Structure Height: None.

B. Minimum Front Yard Depth: None.

C. Minimum Side Yard Depth: None.

D. Minimum Rear Year Depth: None.

10-10-6 Open Space

A minimum of 25% of the R-L site area shall be developed as open space, including walkways, plazas, landscaped areas, pools, fountains, and playgrounds. Parking areas and vehicle access facilities shall not be considered in calculating open spaces**.**

10-10-7 Conditions

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

B. Upon recommendation of the Planning and Zoning Commission, the City Council may require the developer to file a bond or security to secure the City for the actual construction and installation to specifications determined by or in accordance with the regulation of the City Council.

1. **Street Improvements**
   Streets shall be filled or excavated to the grade approved by the City and set by the City Engineer. All streets shall be graded the full platted width and pavement shall be constructed of seven inches Portland cement concrete pavement, unless otherwise concurred with by the City Engineer and approved by the Planning and Zoning Commission and City Council.

2. **Sewers**

   a. The developers shall make adequate provision for disposal of sanitary sewage from the proposed development. The developers shall, at their expense, construct a sanitary sewer system, including all necessary pumping stations, manholes, and other necessary appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the proposed development with an existing City sanitary sewer; such sewage system to be designed and constructed in accordance with the standards and specifications of the City. Design and construction of the sewage system and sewer grades must be approved by, and shall be under the supervision and inspection of the

City Engineer. The developers may be required to pay a reasonable charge for such engineering, inspection service and hookup fees.

b. Storm Sewers. Storm drainage structures shall be constructed where needed as determined by the City Engineer. Minimum size of all storm sewer shall be twelve-inch Class III reinforced concrete pipe.

c. When it is impracticable to connect such sewage system with an existing City sewer and it is necessary to dispose of such sanitary sewage by a septic system, such system and the installation thereof shall meet the standards and specifications set by the Department of Public Health, State of Iowa.

3. Water and Gas Service. The developer shall install, or cause to be installed, all necessary water mains, fire hydrants, and gas mains as approved by local utilities and the City.

4. Electric Service. The developer shall install, or cause to be installed, all necessary electric transmission lines.

5. Sidewalks. Sidewalks shall be installed, or cause to be installed, by the developer according to specifications prescribed by the City and located and set at the grade established by the Engineer.

10-10-8 Filing Procedures

The procedure for obtaining a change of zoning district to R-L shall be as follows:

A. A petition for a zoning change to R-L shall be submitted to the Community Development Department. Such petition shall comply with all applicable provisions of the Zoning Ordinance and rules of procedure of the Planning and Zoning Commission.

B. The applicant shall accompany the request for a zoning change with four (4) copies of an outline development plan. The outline development plan shall include both maps and written statement, and must show enough of the area surrounding the proposed planned development to demonstrate the relationship of the development to adjoining uses, both existing and proposed.

C. The outline development plan must contain the following information:

1. Maps and Diagrams
Maps and diagrams may be in general schematic form but must include:

a. The title by which the development is to be known and recorded.

b. The existing topographic character of the site and adjacent land.

c. Existing and proposed land uses and the approximate locations of buildings and other structures and their exterior facades.

d. The character and approximate density of dwellings.

e. The approximate locations, width, and dimensions of all existing and proposed streets, alleys, walkways, and thoroughfares.

f. The locations and approximate dimensions of all areas to be reserved for future use as school sites, parks, playgrounds, or similar features.

g. The locations, approximate dimensions, and character of all areas, sites, grounds, streets, or similar features which are to be dedicated for public use.

h. Landscaping and tree planting plan.

i. The location and approximate dimensions of parking lots and areas.

j. The locations and size of existing storm and/or sanitary sewers, water mains, or field drains within or readily accessible to the tract.

k. The location and character of all existing easements.

l. The bearing and distance from monumented block or lot corner within the tract to some corner of a congressional district division within the City.

m. A plat giving the names, as shown on the last deed of record, of all property owners within 200feet of the perimeter of the tract.

n. A legal description of the tract.

o. The name and seal of the registered engineer or surveyor who prepared the documents.

2. Written Statement

The written statement must contain the following information:

a. A statement of the character of the planned development, to include:

i. Its relationship to the Comprehensive Plan of the City of Muscatine.

ii. Its relationship to adjoining uses, both existing and proposed.

iii. Its relationship to topographic features of the site and adjacent land.

iv. Limiting conditions such as soils, excessive grade or slope, unstable ground, high water table, etc.

b. A general indication of the expected schedule of development.

c. A statement of the present ownership of all land included within the planned development.

d. A list of the current addresses of all property owners within 200 feet of the perimeter of the tract.

10-10-9 Approval of Outline Development Plan

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

1. Recommendations from City staff and general concurrence of utility companies are required in conjunction with the Planning and Zoning Commission review.

2. The Planning and Zoning Commission shall hold a public meeting prior to making a recommendation on the proposal. The public meeting shall be held in accordance with State and Municipal codes and Planning and Zoning Commission rules of procedure.

B. The Planning and Zoning Commission shall consider the following factors in making its recommendation to the City Council:

1. That the proposal substantially conforms to the Comprehensive Plan for the City.

2. That the existing character of the neighborhood will not be adversely affected, and that adequate safeguards are provided to minimize possible detrimental effects on adjacent properties and the neighborhood.

3. That there is ample provision for water supply, sanitary sewage disposal, storm and surface water drainage, and other utilities.

4. That soil conditions, natural characteristics, topography, and geography do not present a substantial hazard to development.

5. That there is adequate availability to police and fire protection, parks and recreational facilities, schools, and other community facilities and public services.

6. That the location, height, and bulk of buildings and structures on the site are in proportion to each other and relate well to other structures and visual perspective in the vicinity.

7. That patterns of pedestrian circulation and the effective use and design of open spaces, landscaping, exterior facade, and amenities are considered.

8. That vehicular access is adequate to and within the site, that parking and loading spaces are adequate and well located, and that there are no conflicts between vehicular traffic and other uses and activities proposed.

9. That the proposed installation of driveways, landscaping, and other site details are generally in harmony with the proposed structures, adjacent properties, and with the rights and interest of the general public.

C. After receiving the Planning and Zoning Commission's recommendations, the City Council shall hold a public hearing as provided by the Code of Iowa. Subsequent to holding said public hearing, the City Council shall approve, approve with modifications, or disapprove the outline development plan.

1. If the outline development plan is approved, the City Council shall amend the Zoning Map to show the R-L District.
2. If the outline development plan is approved with modifications, the City Council shall not amend the Zoning Map until the applicant has filed with the City Council written consent to the plan as modified.
3. No building permits may be issued on land within the R-L District until the final development plan has been approved under the procedures provided in the following sections.

10-10-10 Preliminary Development Plan

A. Within six months after an outline development plan has been approved, an applicant shall file a preliminary development plan with the Community Development Department. Upon the filing of a preliminary development plan, the Community Development Director shall immediately refer one copy of such plan to the City Engineer and one copy to the Building and Zoning Administrator. This preliminary plan shall then be presented at the next regular Planning and Zoning Commission meeting.

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

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

D. The preliminary development plan shall include all of the following information:

1. The location, width, and dimensions of all existing and proposed thoroughfares, streets, alleys, sidewalks, and walkways.
2. All plot lines and plot designs (if applicable).

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

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

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

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

10-10-11 Final Development Plan

A. Within six months following the approval of the preliminary development plan, the applicant shall file copies of a final development plan. The Community Development Director shall refer one copy of the plan and accompanying papers to the Building and Zoning Administrator and one copy to the City Engineer for review prior to the next Commission meeting.

B. In its discretion and for good cause, the Planning and Zoning Commission may extend for six months the period for the filing of the final development plan, upon request of the applicant.

C. The Planning and Zoning Commission shall review the final development plan and shall recommend to the City Council within 45 days after the filing of the final development plan, that the plan be approved if that plan is in substantial compliance with the approved preliminary development plan. If the preliminary development plan had been approved by the City Council with modifications, the final development plan shall include those modifications.

D. If the City Council disapproves a final development plan, the applicant shall file with the Community Development Department a revised final development plan within

45 days of the date of disapproval, or the City Council may withdraw its approval of the outline development plan.

E. The final development plan shall include all those items required by the preliminary development plan and, in addition, the following information:

1. The proposed names of all streets, public ways, and places dedicated for public use; and the location, width, dimensions, and specifications of all streets, alleys, sidewalks, and walkways.

2. The type and location of all permanent monuments at block and lot corners and elsewhere within the development.

3. All radii, arcs, chords, points of tangency, and central angles for curved streets and the radii of all rounded curves.

4. The location, size, grade, and specifications of all proposed sewers, pumping stations, manholes, and other necessary appurtenances.

5. The location, size, grade, and specifications of all proposed water and gas mains; and the location, size, and specifications of all fire hydrants.

6. The location and character of all proposed electric transmission lines.

7. The certification of the engineer or architect preparing the documents with his or her license number and seal and the date of preparation.

8. Certificate of approval for construction of water, electric, and gas service from the respective utility companies accompanied by a plat showing any easements required.

9. Three sets of improvement plans and profile. All plans and drawings are to be submitted on twenty-four inch 24" x 36"plan and profile paper. Note: Any plans or profiles for recording in the Office of the County Recorder shall be 11" x 17".

10. Three copies of all easement agreements for utility or other purposes.

11. Three copies of a proposed resolution to be adopted by the City Council accepting lands to be dedicated for public use.

12. Three copies of any agreement to be entered into between the applicant and the City of Muscatine providing for the grading of streets and installation of sewer system and other utilities or other improvements as may be required.

13. Three (3) copies of any deed restrictions or covenants required by the City Council under Section 10-10-7(A) of this Ordinance, or any other conditions imposed by the City Council under Section 10-10-7 of this Ordinance.

14. Three copies of a proposed resolution to be adopted by the City Council approving and accepting the final development plan.

10-10-11 Building Permits

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

10-10-12 Failure to Begin Planned Development

A. If no construction has begun or no use established in the planned development within one year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the Planning and Zoning Commission may extend for six additional months the period for the beginning of the construction or the establishment of a use.

B. If a final development plan lapses under the provisions of this Section, the Community Development Director shall remove the planned development from the Zoning Map and shall file a notice of revocation of the recorded final development plan. The zoning regulations applicable before the final development was approved shall then be revised and in effect.

10-10-13 Changes in Final Development Plan

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

10-10-14 Enforcement

A. At least once every six months following the approval of the final development plan, the Community Development Director shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units.

B. If the Community Development Director finds that the final development plan has not been followed, he or she shall forward this information to the Planning and Zoning Commission, which may recommend to the City Council revocation of approval of the final development plan.

Title 10 – Zoning

Chapter 11 – C-1 Neighborhood & General Commercial District

Sections

10-11-1 Permissive Uses
10-11-2 Conditional Uses
10-11-3 Height, Area, & Setback Requirements
10-11-4 Site Plan Review

10-11-1 Permissive Uses

A. Any retail business establishment such as Large Scale Retail Development; appliance store; auto accessory store; bakery with baking limited to goods for retail sale on the premises; book or stationery store; restaurant, cafeteria, bar, or tavern, but not drive-in establishments; camera or photographic supply shop; candy or ice cream store; delicatessen; drug store; fabric shop; floor covering store; florist shop; furniture store, including incidental upholstering; gift shop; grocery store; clothing store; tire sales and service; hardware or paint store; variety store; and other uses of a similar character, except there shall be no slaughtering of animals or poultry nor commercial fish cleaning and processing on the premises.

B. Personal service uses such as a bank or other financial enterprise; barber or beauty shop; business or professional office; funeral home; theater, but not drive-in theater; photographic or art studio; laundry or dry cleaning receiving station; self-service laundry or cleaning establishment; messenger, taxicab, newspaper, or telegraphic branch station; medical or dental clinic, but not animal clinic; dressmaking; tailoring; shoe repair; repair of household appliances and bicycles; catering; and other uses of a similar character.

C. General service and repair establishments, such as plumbing and heating; printing and painting; and upholstering.

D. Residence when located on the second story of a building or above.

E. Place of worship and religious, education, instructional, and institutional service.

F. Office or office building.

G. Indoor recreation facility.

H. Public park or playground.

I. Bus terminal.

J. Private club, fraternity, sorority, or lodge.

10-11-2 Conditional Uses

A. Automobile service station or automobile repair shop.

B. Drive-in establishments, including drive-in restaurants and drive-in theaters.

C. Used car sales.

D. Farm store or feed store, including accessory storage of liquid or solid fertilizer.

E. Electrical distribution substation, pipeline pumping station, or water tower.

F. Hotel or motel.

G. Mobile home, boat, or farm implement sales.

H. Veterinarian clinic, animal hospital, or kennel.

I. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the permissive uses, in accordance with Section 10-31-1 of this City Code.

10-11-3 Height, Area, & Setback Requirements

A. Maximum Structure Height: 45 feet, except for as provided for in Title 10, Chapter 26

B. Minimum Front Yard Depth: 20 feet

C. Minimum Side Yard Depth: 6 feet

D. Minimum Rear Year Depth: 20 feet

E. Minimum Frontage: None

F. Minimum Lot Area: None

G. Minimum Lot Area per Family:

1. Single Family: N/A
2. Two Family: N/A
3. Multiple: 1,000 Square Feet

10-11-4 Site Plan Review

Refer to Section 10-2-7(I)

Title 10 – Zoning

Chapter 12 – C-2 Central Commercial District

Sections

10-12-1 Permissive Uses
10-12-2 Conditional Uses
10-12-3 Height, Area, & Setback Requirements
10-12-4 Site Plan Review

10-12-1 Permissive Uses

A. Any permissive use in the C-1 District.

B. Printing or newspaper publishing plant.

C. Hotel or motel.

D. Laundry.

E. Auto service station or automobile repair shop.

F. Wholesale merchandising or storage warehouse.

G. Public parking lot, customer, and other accessory parking area.

H. Private club, fraternity, sorority, or lodge.

10-12-2 Conditional Uses

A. Electrical distribution substation and pipeline pumping station.

B. Manufacture or assembly of wood or paper products.

C. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive uses, in accordance with Section 10-31-1 of the City Code.

10-12-3 Height, Area, & Setback Requirements

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

B. Minimum Front Yard Depth: None

C. Minimum Side Yard Depth: None

D. Minimum Rear Year Depth: None

E. Minimum Frontage: None

F. Minimum Lot Area: None

G. Minimum Lot Area per Family:

1. Single Family: None
2. Two Family: None
3. Multiple: None

10-12-4 Site Plan Review

Refer to Section 10-2-7(I)

Title 10 – Zoning

Chapter 13 – C-3 Planned Commercial District

Sections

10-13-1 Permitted Uses
10-13-2 Requirements of Plan

10-13-1 Permitted Uses

A. A building or premises on tracts of land may be used only for:

1. Retail sale of merchandise;
2. Services, banks, and financial institutions
3. Restaurants;
4. General and professional offices;
5. Service stations;
6. Recreation, except outdoor theaters;
7. Parking areas; and
8. Other similar facilities.

B. Before land is used or a building erected or used for any of the above purposes, a preliminary plan and a final plan shall be approved by the City Council, upon recommendation from the Planning and Zoning Commission, for all contiguous property within this District in any one location.

C. The City Council shall have 30 days to consider and approve or reject a preliminary plan, with or without modifications, although this period may be extended by agreement of the parties concerned.

D. Final plans will be approved when in accordance with approved preliminary plans.

E. From time to time, the proponents may make changes in the approved final plan, so long as such changes have been approved by the Planning and Zoning Commission or upon denial of approval by said Commission, with the approval of the Council.

F. What constitutes a "minor" change will be determined in the sole discretion of the Commission.

G. No building or occupancy permits shall be issued for any building or use that is not in accordance with an approved final plan.

10-13-2 Requirements of Plan

A. The preliminary plan shall:

1. Be drawn to scale.
2. Show boundaries of property to be developed.
3. Show the proposed size, location, use, and arrangement of stalls and the number of cars, entrance and exit driveways, and their relationship to existing and proposed streets.
4. Indicate location, type, use, and size of structures on adjacent properties within 200 feet of the proposed development.
5. Provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown on the adopted Comprehensive Plan and/or Capital Improvement Plan.
6. Indicate the stages, if any, which will be followed in construction.

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

Title 10 – Zoning

Chapter 14 – M-1 Light Industrial District

Sections

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

10-14-1 Permissive Uses (See Section 10-14-4)

A. Any use permitted in the C-2 District, as long as the users are not offensive due to emission of noise, odor, dust, gas, smoke, or vibration, except that no dwelling other than that for a resident watchman or caretaker employed on the premises shall be permitted, with the exception of a single-family dwelling located on a lot two acres or more in size.

B. The manufacturing, assembling, or treatment of articles or merchandise from the following prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastic, precious or semi-precious metals or stones, rubber, textiles, wood, and yarn.

C. The manufacturing or assembly of bolts, nuts, screws, and rivets; boats; ornamental iron products; firearms; electrical appliances; electronic instruments and devices; tools, dies, machinery, and hardware products; medical and dental equipment; drafting and optical instruments; musical instruments; watches and clocks; and toys and games.

D. The manufacturing or storage of food products, including beverage bottling, bakery products, candy manufacturing, fruit and vegetable processing and canning; but not packing and processing of meat and poultry products, distilling of beverages, or slaughtering of animals.

E. The manufacturing, compounding, processing, packaging, or treatment of such products as cosmetics, pharmaceuticals, and toiletries.

F. Builders or contractors plant or storage yard; building materials sales and storage yard, including concrete mixing; and lumber yard, including millwork.

G. Open yard for storage and sale of feed, fertilizer, or fuel.

H. Automobile, truck, trailer, and garden and farm implement establishments for sales, display, and hire, including sales lots.

I. Truck or motor freight terminals, provided that service yards or docks are located at least 200 feet from any lot in any Residential District.

J. Drive-in restaurant.

K. Animal hospital, veterinary clinic, or kennel, provided that buildings or enclosures are at least 100 feet from any lot in any Residential District.

L. Public or private open-air recreational uses, provided that such uses are not within2 00 feet of any Residential District.

M. Greenhouse or nursery.

N. Agricultural activity, except that all livestock operations or farms in excess of ten head shall have a minimum of twenty acres.

10-14-2 Conditional Uses (See Section 10-14-4)

A. Electrical distribution substation, pipeline pumping station, or water tower.

B. Any other use that is determined by the Zoning Board of Adjustment to be of the same general character as the foregoing permissive uses.

C. Solid Waste Transfer Station.

10-14-3 Height, Area, & Setback Requirements

A. Maximum Structure Height: 75 feet, except for as provided for in Title 10, Chapter 26

B. Minimum Front Yard Depth: 30 feet

C. Minimum Side Yard Depth: None

D. Minimum Rear Year Depth: None

E. Minimum Frontage: None

F. Minimum Lot Area: None

10-14-4 Note Applicable Criteria for Permissive and Conditional Uses

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

A. Noxious fumes including dust, that is, fumes and dust which are in sufficient quantity to be harmful to health, shall not be emitted beyond the property line.

B. Noise, including vibration, shall not cause the ambient noise level as measured at the property line to exceed 75 decibels (dbA).

C. In such cases where new construction or substantial improvements of a nonresidential nature are proposed adjacent to existing residential units, no direct outside lighting shall shine onto adjacent property.

D. In such cases where new construction or substantial improvements of a nonresidential nature are proposed adjacent to existing residential units, outside trash receptacles and outside storage of equipment shall be screened from view by fencing (at least seventy-five percent (75%) opaque) or landscaping of sufficient height and density to provide screening at maturity or within three (3) years.

10-14-5 Site Plan Review

Refer to Section 10-2-7(I)

Title 10 – Zoning

Chapter 15 – M-2 General Industrial District

Sections

10-15-1 Permissive Uses
10-15-2 Conditional Uses
10-15-3 Height, Area, & Setback Requirements
10-15-4 Site Plan Review

10-15-1 Permissive Uses

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

10-15-2 Conditional Uses

A. Acid manufacture.

B. Auto salvage and wrecking operations, industrial and waste salvage operations, and junkyards, provided that all operations are conducted within an area enclosed on all sides with a solid wall of fence not less than eight feet in height, located not less than 200 feet from any R District and 100 feet from any C District. No pile of salvage, scrap, or other material shall be higher than eight feet.

C. Bulk manufacturing, processing, and/or storage plants.

D. Cement, lime, gypsum, or other similar manufacture.

E. Distillation, manufacture, or refining of bones, coal, or tar asphalt.

F. Explosives manufacture or storage.

G. Fat, grease, lard, or tallow rendering or refining.

H. Fertilizer manufacture.

I. Gas manufacture and distribution.

J. Garbage, offal, or dead animal disposal.

K. Glue manufacture.

L. Packing plant, slaughter house, or stockyard.

M. Petroleum products terminal.

N. Sewage disposal and treatment.

O. Sanitary landfill.

P. Feed lot, livestock confinement area, provided location is not within 200 feet from any R District.

10-15-3 Height, Area, & Setback Requirements

A. Maximum Structure Height: 75 feet, except for as provided for in Title 10, Chapter 26

B. Minimum Front Yard Depth: 30 feet

C. Minimum Side Yard Depth: None

D. Minimum Rear Year Depth: None

E. Minimum Frontage: None

F. Minimum Lot Area: None

10-15-4 Site Plan Review

Refer to Section 10-2-7(I)

Title 10 – Zoning

Chapter 16 – S-1 Special Development District

Sections

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

10-16-1 Intent and Purpose

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

10-16-2 Application for Special Development District

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

A. The area to be encompassed in said District.

B. Citation of the City's Comprehensive Plan's recommendations or comments on the area encompassed in said District and whether the proposal varies from or conforms to the City's Comprehensive Plan.

C. Evidence of unified ownership and control of the area applied for.

D. Evidence of financial capability of the petitioners to carry out the general type of development contemplated for the area.

E. Evidence of applicant's proposed general use of the area.

F. In establishing a Special Development District, the Planning & Zoning Commission and the Council shall give consideration among their factors to the criteria listed in Section 10-16-5 hereof.

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

10-16-3 Permissive Uses

A. Single-family dwelling, two family dwelling, or multi-family dwelling.

B. Public park or playground.

C. Place of worship.

D. Public or private school.

E. Rooming house or boarding house.

F. Office building or medical clinic.

G. Nursing, rest, or convalescent home.

H. Public building erected by any governmental agency.

I. Automobile parking lot or storage or parking garage.

J. Bank or financial institution.

K. Mortuary.

L. Personal service uses, including barber shop, beauty parlor, photographic or art studio, messenger, taxicab, newspaper or telegraphic branch station, laundry or dry cleaning receiving station, and other uses of a similar character.

M. Retail store, in connection with which there shall be no slaughtering of animals or poultry, nor commercial fish cleaning and processing on the premises.

N. Theater, not including drive-in theaters.

O. Restaurants, cafeterias, bars, and taverns, not including drive-in establishments.

P. Automobile service station.

Q. Bowling alley or billiard parlor.

R. Dancing or music academy.

S. Display and salesroom.

T. Hotel or motel.

U. Laboratory, research, experimental, or testing.

V. Milk distributing station.

W. Radio or television broadcasting station or studio.

X. Rental agency.

Y. Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and service, upholstering and other general service or repair establishment of similar character. Not more than ten percent of the lot or tract occupied by such establishment shall be used for the open and unenclosed storage of materials or equipment.

Z. Bakery.

AA. Bottling works.

BB. Wholesale establishment or warehouse in a completely enclosed building.

CC. Bus terminal.

10-16-4 Height and Density Regulations

Height and density limits in the S-1 District are established by setbacks and floor area ratios as follows:

A. For residential, industrial, hotel, motel, and multi-family dwelling uses, there shall be a maximum floor area ratio of 4:1.

B. For commercial uses in the S-1 District, there shall be a maximum floor area ratio of 4:1.

10-16-5 Approval of Plans

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

A. Those affecting the community as a whole:

1. Uses or use.
2. Intensity of use.
3. Traffic.

B. Those affecting the neighborhood:

1. Heights.
2. Front, side, and rear yard definitions and uses where they occur at the development periphery.

C. Those affecting the development itself:

1. Gross commercial building areas.
2. Area ratios and the designation of the land surfaces to which they apply.
3. Spaces between buildings. Open areas, if any.
4. Width of streets in the development, if any.
5. Setbacks from such streets, if any.
6. Off-street parking and loading standards.

D. Those affecting the development procedures:

1. The order in which development will likely proceed in complex multiple use developments.
2. Estimates of time required to complete the development and its various stages, if any.
3. List of streets, lighting, parking, or other improvements by the City, which in any way affect the development.

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

10-16-6 Plan Requirements

The preliminary plan shall:

A. Be drawn to scale.

B. Show boundaries of property to be developed.

C. Show existing topography with contour intervals of not less than two feet obtained from a field survey and referred to an approved City bench mark.

D. Show the proposed size, location, use, and arrangement of the buildings and the proposed arrangement of stalls and the number of cars, entrance and exit driveways, and their relationship to existing and proposed street parking areas.

E. Show drainage plan with sufficient control grades to indicate the intent of the developer.

F. Indicate location, type, and size of structures on adjacent properties within 200 feet of the boundary of the Special Development District.

G. Provide for the dedication of any rights-of-way for the widening, extension, or connection of major streets as shown in the adopted Comprehensive Plan or adopted Capital Improvement Plan.

H. Indicate the stages, if any, which will be followed in carrying out the construction of the project and interim use and maintenance of areas not under construction at any given time.

I. Contain a traffic analysis prepared by a registered professional engineer who is skilled in the science of traffic engineering, indicating the estimated traffic to be generated by the complete development of the project with said estimates shown for the average week, 24-hour period, and for the peak morning and evening traffic hours. The impact of this new traffic on existing traffic in the vicinity of the project shall be appraised and a list submitted of new street construction and new traffic control measures required to accommodate the estimated traffic increases.

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

10-16-7 Construction Schedule and Assurance of Completion

A. With the final plan, the proponents shall submit a construction schedule.

B. Construction shall begin within one year after approval of the final plan and shall be completed within years after approval of the final plan, except that the Council may extend and/or change such periods upon a showing of good and sufficient cause.

C. With the final plan, the applicant shall file a surety bond or escrow agreement to insure the construction of the project within the period specified. No such bond or escrow shall be acceptable, unless it is enforceable by or payable to the City in a sum at least equal to the estimated costs of all of the site improvements (streets, drives, walks, walls, storm and sanitary sewers, landscape planting, ornamental features not on a building, and terraces) for the entire project.

D. Said bond or escrow shall be in a form and with surety and conditions approved by the City Attorney.

E. In the event of default under such bond or escrow, the City shall use the sum defaulted to construct said site improvements.

Title 10 – Zoning

Chapter 17 – S-2 Institutional - Office District

Sections

10-17-1 Permissive Uses
10-17-2 Conditional Use
10-17-3 Height, Area, & Setback Requirements
10-17-4 Site Plan Review

10-17-1 Permissive Uses

A. Single and two family dwellings.

B. Bank.

C. General business office.

D. Professional office.

E. Medical or dental clinic.

F. Studio for artist, photographer, sculptor, or musician.

G. Art gallery.

H. Place of worship.

I. Hospital or sanitarium.

J. Public building.

K. Educational, religious, or philanthropic institution.

L. Nursing, rest, or convalescent home.

M. Business, dancing, music, and other similar schools and colleges.

N. Lodge, club, fraternity, or sorority.

O. Library.

P. Parking structure or lot.

Q. Laboratory and research center.

R. Private or public school.

10-17-2 Conditional Use

Retail Sales
As July 1, 1984, existing uses within the S-2 District Boundaries may be considered for conversion to retail uses. Site criteria required:

- **A.** A map indicating land uses, property owners and their mailing addresses within 200 feet of the parcel of lot(s) proposed for retail sales.
- **B.** Yard setback requirements.
- **C.** A floor plan of the proposed structure or conversion of an existing operation.
- **D.** The location and direction of outside lighting.
- **E.** The location of curb cuts, internal traffic circulation on the site, and parking lot layout.
- **F.** Sign location and size.
- **G.** Visual screening from adjacent properties.
- **H.** Location of outside storage, trash receptacles, and vending machines, including can and bottle redeeming machines.
- **I.** Other such information as may be requested by the Zoning Board of Adjustment.
- **J.** The intensity of projected traffic on the site of the proposed retail use should not be significantly greater than the existing traffic intensity.

10-17-3 Height, Area, & Setback Requirements

- **A.** Maximum Structure Height: 45 feet, except for as provided for in Title 10, Chapter 26
- **B.** Minimum Front Yard Depth: 20 feet
- **C.** Minimum Side Yard Depth: 6 feet
- **D.** Minimum Rear Year Depth: 20 feet
- **E.** Minimum Frontage: None
- **F.** Minimum Lot Area: 7,000 square feet
- **G.** Minimum Lot Area per Family:
    1. Single Family: 7,000 square feet
    2. Two Family: 3,000 square feet
    3. Multiple: N/A

10-17-4 Site Plan Review

Refer to Section 10-2-7(I)

Title 10 – Zoning

Chapter 18 – S-3 Large Scale Mixed Use Development (MXD) District

Sections

10-18-1 Intent and Purpose
10-18-2 Permissive Uses
10-18-3 Conditional Uses
10-18-4 Approval of Development Plans
10-18-5 Height, Area, & Setback Requirements

10-18-1 Intent and Purpose

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

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

10-18-2 Permissive Uses

A. Any uses permitted in the Residential Zoning Districts. Residential development shall occur on tracts of a minimum size of five acres and an open space buffer 50 feet wide, within which no structure is permitted, is required to separate all non-residential uses from residential uses.

B. Any uses permitted in the M-1 Light Industrial Zoning District, further including such uses as research and development facilities, industrial parks, and office parks shall occur on tracts of a minimum size of five acres. In the case of minor residential streets, the minimum right-of-way may be 50 feet.

10-18-3 Conditional Uses

A. Those uses listed as Conditional Uses in the Residential Zoning District.

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

10-18-4 Approval of Development Plans

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

A. Proposed facility description, including type of use, process, or service, approximate number of employees on initial start and within five years.

B. Information on traffic generation, deliveries, employee parking, and public access to the facility.

C. Information on required utilities, utility extensions if required, and any unique requirements for material disposal or pre-treatment of sanitary sewage.

D. Approximate perimeter boundaries, acreage, and topographical features.

E. Proposed location, or alternative locations, of any structures, parking lots, outside storage and landscaping. This may be in the form of a concept layout.

F. Information on proposed public improvements necessary to serve the development. This includes the extension of public streets, sidewalks, storm and sanitary sewers, public transit shelters or any other public amenities.

The above information shall be submitted in narrative and/or graphic format to the Community Development Department; a meeting for the purpose of taking action on the preliminary site plan shall then be conducted within the ten days by the Planning and Zoning Commission. Upon approval of the preliminary site plan, the developer has the assurance that the proposal conforms to the intent of the S-3 MXD District and the proposal shall be permitted. A final site plan shall then be developed and approved in accordance with the Site Plan Review Criteria of the Section 19-2-7(I).

10-18-5 Height, Area, & Setback Requirements

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

Title 10 – Zoning

Chapter 19 – A-P Airport District

Sections

10-19-1 Basic Intent and Purpose
10-19-2 Definitions
10-19-3 Airspace Zones
10-19-4 Height Restrictions
10-19-5 Land Use Restrictions
10-19-6 Lighting
10-19-7 Airport Zoning Map
10-19-8 Nonconforming Uses
10-19-9 Permits
10-19-10 Variances
10-19-11 Appeals
10-19-12 Conflicting Regulations

10-19-1 Basic Intent and Purpose

It is hereby found that:

A. An airport hazard endangers the lives and property of users of the Muscatine Municipal Airport and property or occupants of the land in its vicinity, and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Muscatine Municipal Airport and the public investment therein.

B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Muscatine Municipal Airport.

C. For the protection of the public health, safety, order, convenience, prosperity, and general welfare, it is necessary to prevent the creation of airport hazards to regulate and restrict the use of land in the vicinity of the Muscatine Municipal Airport.

D. The prevention of airport hazards should be accomplished, to the extent legally possible, by the proper exercise of the police power.

E. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which municipalities may raise and expend public funds, as an incident to the operation of airports, to acquire lands or property interests therein.

10-19-2 Definitions

As used in this Chapter, unless the context otherwise requires:

A. **"Airport"** means the Muscatine Municipal Airport.

B. **"Airport elevation"** means the established elevation of the highest point on the usable landing area, which elevation is established to 547.5' feet above mean sea level.

C. **"Airport hazard"** means any structure or object of natural growth located on or in the vicinity of the airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

D. **"Decision height"** means the height at which a decision must be made during an instrument landing system instrument approach to either continue the approach or to execute a missed approach procedure.

E. **"Height".** For the purpose of determining the height limits in all zones set forth in this Chapter and shown on the Muscatine Municipal Airport Zoning Map, the datum shall mean sea level elevation, unless otherwise specified.

F. **"Instrument runway"** means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment for which an instrument approach procedure has been approved or planned.

G. **"Landing area"** means the area of the airport used for the landing, taking off, or taxiing of aircraft.

H. **"Minimum descent altitude"** means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to- and maneuvering in execution of a standard approach procedure where no electronic glide slope is provided.

I. **"Minimum enroute altitude"** means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

J. **"Minimum obstruction clearance altitude"** means the specified altitude in effect between radio fixes on very high frequency omni-range station airways, off-airway route, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

K. **"Nonconforming use"** means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter or an amendment thereto.

L. **"Nonprecision instrument runway"** means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a planning document having the approval of the Federal Aviation Administration (FAA).

M. **"Person"** means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

N. **"Planned".** As used in this Chapter, only those proposed future airport developments that are so indicated on a planning document having the approval of the FAA and the City of Muscatine.

O. **"Primary surface"** means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway, but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

1. 250 feet for utility runways having only visual approaches.
2. 500 feet for utility runways having nonprecision instrument approaches.
3. For other utility runways the width is:
    - **a.** 500 feet for visual runways having only visual approaches.
    - **b.** 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.

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

P. **“Runway”** means any existing or planned paved surface or turf covered area of the airport which is specifically designated, or used or planned to be used for the landing or takeoff of aircraft.

Q. **“Slope”** means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.

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

R. **“Tree”** means any object of natural growth.

S. **“Utility runway”** means a runway that is constructed for an intended use by propeller 12,500 pounds maximum gross weight or less.

T. **“Visual runway”** means a runway intended solely for the operation of aircraft using visual approach procedure with no straight in instrument approach proc indicated on an FAA planning document submitted to the FAA by competent authority.

10-19-3 Airspace Zones

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

A. **“Primary zone”** means all that land which lies directly under the primary surface.

B. **“Horizontal zone”** means all that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or 697.5 feet above mean sea level, the perimeter of which is constructed by swinging arcs of 5000 feet radii from the center of each end of the primary surface of existing or planned runways designated as utility or visual and 10,000 feet for all others, and connecting adjacent arcs by lines tangent to these arcs. The radius of the arc specified for each of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. The horizontal zone does not include the approach and transitional zones.

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

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

1. The inner edge of the approach surface is:

a. 250 feet wide for visual utility runways.

b. 500 feet wide for visual runways other than utility runways and nonprecision instrument runways.

c. 1000 feet for precision instrument runways.

2. The outer edge of the approach zone is:

a. 1,250 feet for visual utility runways.

b. 1,500 feet for visual runways other than utility runways.

c. 4,000 feet for nonprecision instrument runways.

d. 16,000 feet for precision instrument runways.

3. The approach zone extends for a horizontal distance of:

a. 5,000 feet at a slope of twenty to one for all visual runways.

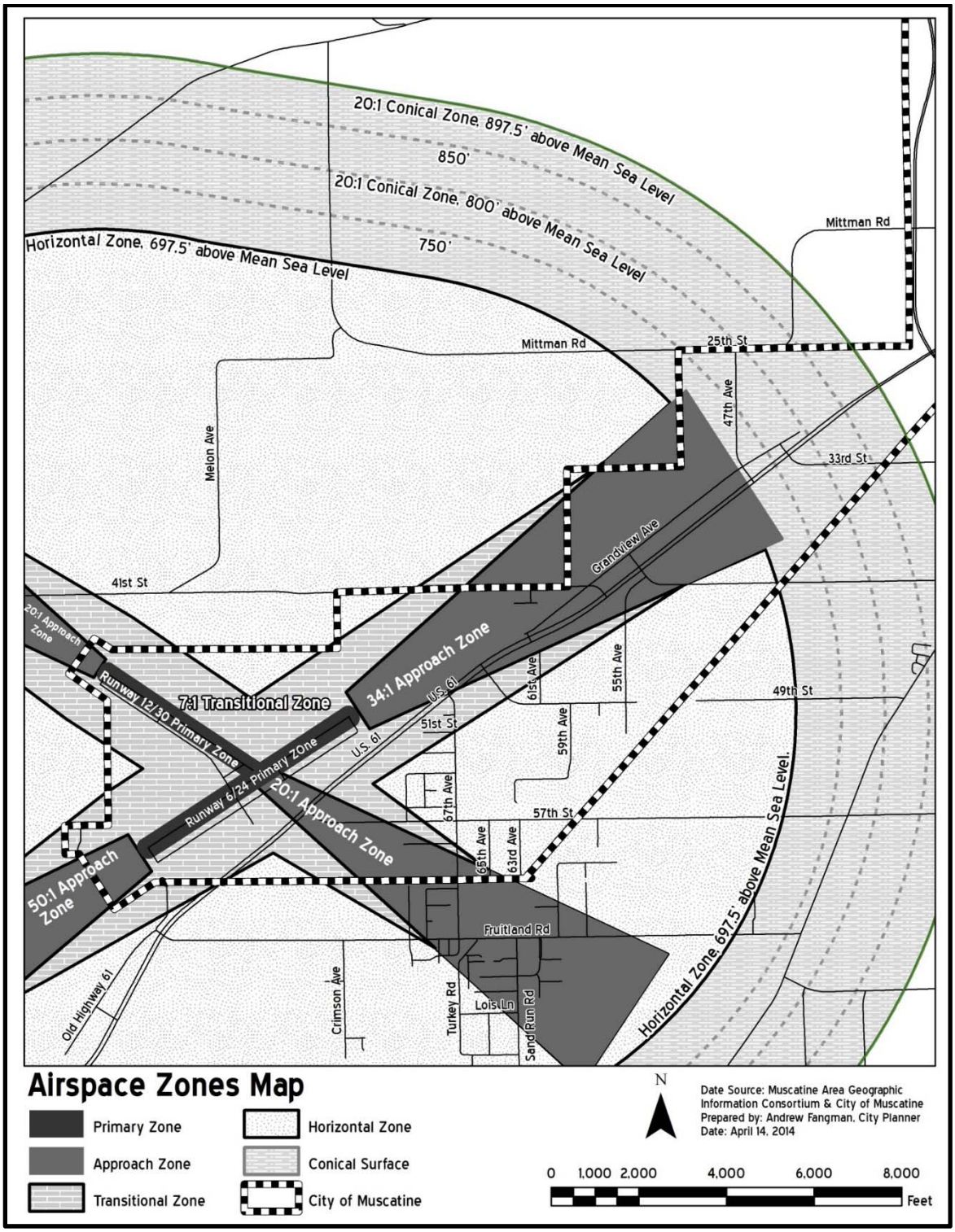
b. 10,000 feet at a slope of thirty-four to one for nonprecision instrument runways.

c. 10,000 feet at a slope of fifty to one and then 12,000 feet at a slope of forty to one , and then restricted to 500 feet above airport elevation for 28,000 feet for precision instrument runways.

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

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

G. The airspace zones mas illustrates the various airspace zones at the Muscatine Municipal Airport.


20:1 Conical Zone, 897.5' above Mean Sea Level
850'
20:1 Conical Zone, 800' above Mean Sea Level
750'
Horizontal Zone, 697.5' above Mean Sea Level
Mittman Rd
Mittman Rd
25th St
47th Ave
33rd St
Melon Ave
Grandview Ave
41st St
20:1 Approach Zone
Runway 12/30 Primary Zone
7:1 Transitional Zone
34:1 Approach Zone
U.S. 61
61st Ave
55th Ave
49th St
51st St
59th Ave
U.S. 61
Runway 6/24 Primary Zone
20:1 Approach Zone
67th Ave
57th St
65th Ave
63rd Ave
50:1 Approach Zone
Fruitland Rd
Horizontal Zone, 697.5' above Mean Sea Level.
Old Highway 61
Crimson Ave
Turkey Rd
Lois Ln
Sand Run Rd
Airspace Zones Map
Primary Zone
Approach Zone
Transitional Zone
Horizontal Zone
Conical Surface
City of Muscatine
N
Date Source: Muscatine Area Geographic Information Consortium & City of Muscatine
Prepared by: Andrew Fangman, City Planner
Date: April 14, 2014
0 1,000 2,000 4,000 6,000 8,000
Feet

10-19-4 Height Restrictions

Except as otherwise provided in this Chapter, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Section 10-19-3 so as to project above any of the imaginary airspace surfaces described in said Section 10-19-3 hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.

10-19-5 Land Use Restrictions

A. Subject at all times to the height restrictions set forth in Section 10-19-4, no use shall be made of any land in any of the airspace zones defined in Section 10-19-3 which creates or causes interference with the operations of radio or electronic facilities of the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft using or intending to use the Muscatine Municipal Airport.

B. The primary zone shall contain no buildings or temporary structures and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permissive uses include agricultural activities, light outdoor recreation (nonspectator), and auto parking.

C. The following uses are specifically prohibited under the approach zones:

1. Theaters, fairgrounds, and auditoriums.
2. Gas and oil facilities.
3. Trash dumps and incinerators.
4. Poultry and mink farms.

D. Subject to all times to the restrictions set forth in Sections 10-19-4 and 10-19-5(A), (B) and (C), the land in the airspace zones are subject to the regulations and requirements of the zoning district in which they are situated, as shown on the District Map of the City of Muscatine, as described in Section 10-2-2 of the Zoning Ordinance.

10-19-6 Lighting

A. Notwithstanding the provisions of Section 10-19-5, the owner of any structure over two hundred feet (200') above ground level must install on the structure lighting in accordance with FAA Advisory Circular 70-7460-ID and amendments. Additionally, any structure constructed after the effective date of this Ordinance and exceeding nine hundred forty-nine feet (949') above ground level must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 70-7460-ID and amendments.

B. Any permit or variance may be so conditioned as to require the owner of the structure or growth in question to permit the City of Muscatine at its own expense to install, operate, and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

10-19-7 Airport Zoning Map

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

10-19-8 Nonconforming Uses

A. Regulations Not Retroactive. The regulations provided in this Chapter shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alterations, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently prosecuted.

B. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the appropriate official who may be charged with the duty of determining the necessity of lighting and marking to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

10-19-9 Permits

A. Future Uses. No material changes shall be made in the use of land and no tree or structure shall be erected, altered, planted, or otherwise established in any zone hereby created, unless a permit therefore shall have been applied for and granted by the Community Development Director.

1. However, a permit for a tree or structure of less than seventy-five feet (75') of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand, two hundred feet (4,200') from each end of the runway, except when such tree or structure, because of terrain, land contour, or topographic features, would extend the height limits prescribed for the respective zone.
2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction or growth of any structure or tree in excess of any of the height limitations established by this Chapter.

B. Existing Uses. Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except when indicated, all applications for such permit shall be granted.

C. Nonconforming Uses Abandoned or Destroyed. Whenever the Community Development Director determines that a nonconforming tree or structure has been abandoned or more than sixty-five percent (65%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

10-19-10 Variances

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

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

10-19-11 Appeals

Any person aggrieved, or any taxpayer affected, by any decision by the Community Development Director made in the administration of this Chapter may appeal to the Zoning Board of Adjustment by complying with the provisions of Section 10-31-2(B) of the Zoning Ordinance.

10-19-12 Conflicting Regulations

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

Title 10 – Zoning

Chapter 20 – Garage, Accessory Building, & Accessory Use Regulations

Sections

10-20-1 General Provisions
10-20-2 Size Regulations
10-20-3 Placement & Setback Regulations

10-20-1 General Provisions

A. No accessory building shall be constructed upon a lot until the construction of the main building has commenced.

B. No accessory building shall be used unless the main building on the lot is also being used.

C. The use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction is permitted.

D. In residential districts, accessory buildings and uses are limited to the following:

1. Garages;
2. Tennis court, swimming pool, garden house, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses;
3. Home occupation that is allowed by this chapter; and
4. A noncommercial greenhouse that does not exceed in floor area twenty-five percent (25%) of the ground floor area of the main building.

E. In commercial districts, accessory buildings and uses are limited to the following:

1. Parking lots and garages conforming with the requirements of Title 10, Chapter 27.
2. Use of not more than forty percent (40%) of the floor area of a building for incidental storage or allowed light industrial activity.

F. In the AG District, accessory buildings and uses are limited to dwellings for persons employed on the premises, including mobile homes, provided such mobile homes are occupied by persons employed on the premises and do not exceed one per farm tract.

G. In all other zoning districts, accessory buildings may be used for any use allowed by the zoning district in which they are located.

10-20-2 Size Regulations

A. For parcels that are less than 20,000 square feet in size the maximum cumulative size for garages (attached or detached) and/or any other accessory building in all residential zoning districts is 1,440 square feet.

B. For parcels of at least 20,000 square feet in size the maximum cumulative size for garages (attached or detached) and/or any other accessory building in all residential zoning districts is the lessor of the following:

1. 2,500 square feet, or;

2. 7.2% of the total parcel size.

C. No accessory building placed in the rear yard may exceed 40% of the size of the rear yard.

D. In residential zoning districts the cumulative size of any accessory buildings, not including attached garages, located in the rear yard may not exceed 40% of the size of the rear yard.

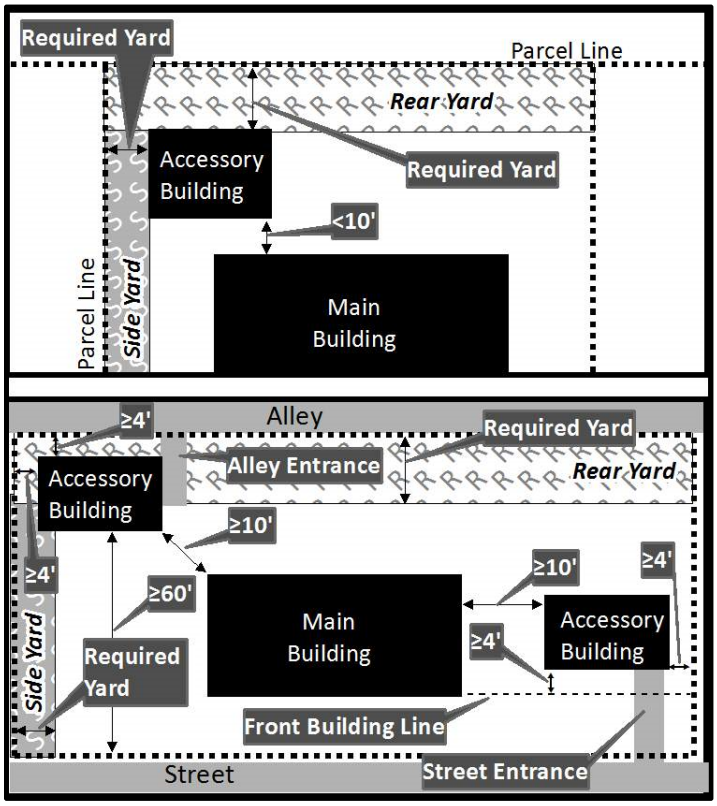
10-20-3 Placement & Setback Regulations

A. Except for as enumerated in this Section accessory buildings must conform to the setbacks established for the zoning district in which they are located.

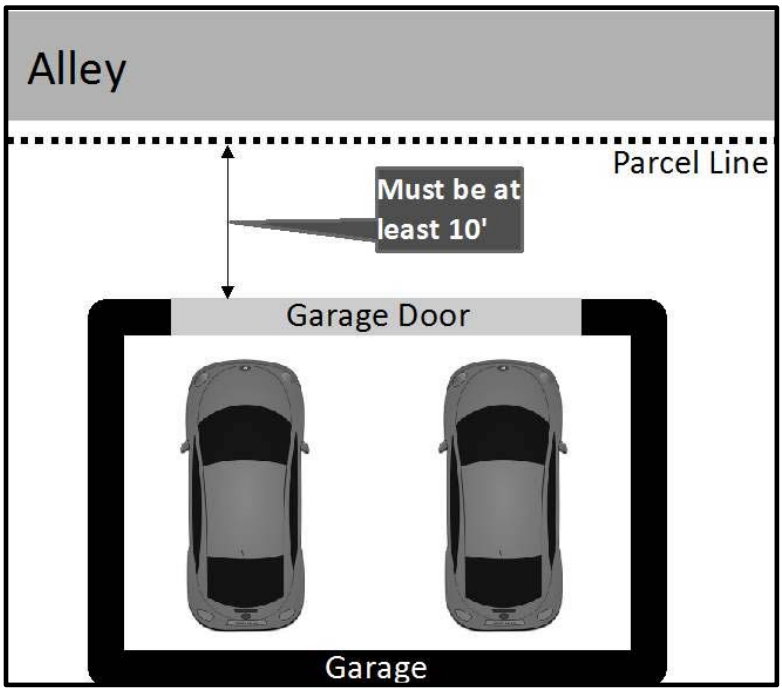
B. No accessory building may be erected in front of a main building, unless the accessory building or garage is attached to the main building by a continuous structural wall.

C. Any accessory building or use closer than 10 feet to a main building and which must be in the side or rear yard, shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.

D. An accessory building or use more than 10 feet from a main building may be erected within 4 feet of a side or rear lot line, but must be located at least 60 feet from the front lot line when entry is from an alley or street at the rear, and 4 feet behind the front building line of the main building when entry is from the street at the front.



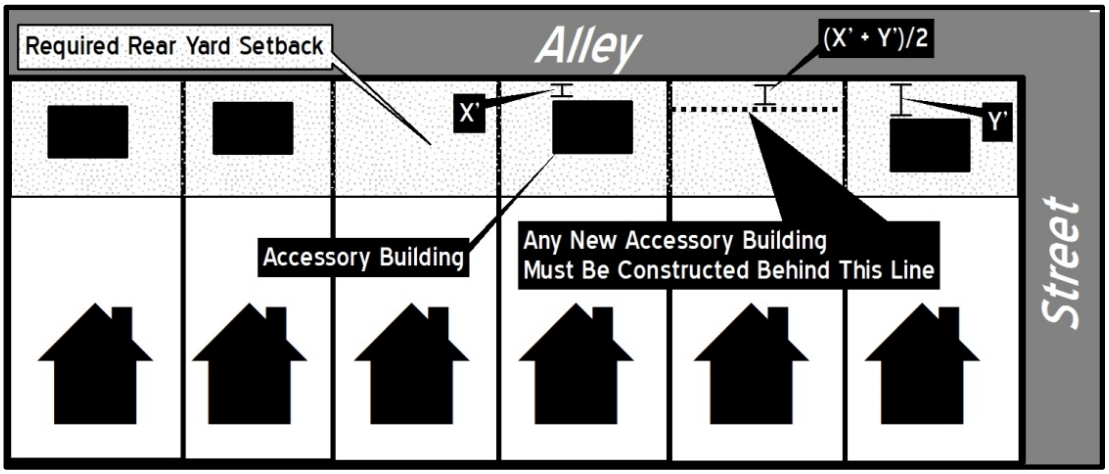
E. Where a garage door is parallel to the alley and is entered from an alley, it must be 10 feet from the alley line, except for any exception enumerated in this Section.



F. For every 25 square feet that an accessory building exceeds 1,440 square feet in size an additional 1 foot of setback of the accessory building is required in addition to what is required by the zoning district in which the accessory building is located.

G. An accessory building may be constructed within a required rear yard if all of the following conditions are met:

1. The rear yard abuts an alley.
2. 50% of parcels on the block and located on the same side of the alley as the subject parcel,contain an existing accessory building within the required rear yard setback.
3. Any new accessory building that is constructed within the required rear yard shall not be located nearer to the alley right-of-way than the average distance to alley right-of-way of the nearest two accessory buildings located on the same side of the alley as the subject parcel.



Title 10 – Zoning

Chapter 21 – Signs, Canopies, and Awning Regulations

Sections

10-21-1 General Provisions
10-21-2 Signs Allowed in All Districts
10-21-3 Signs Allowed in the R-5, R-6, and S-2 Districts
10-21-4 Signs Allowed in the C-1, C-3, M-1, and S-1 Districts
10-21-5 Signs Allowed in the S-3 District
10-21-6 Signs Allowed in the C-2 and M-2 Districts
10-21-7 Signs in Large Scale Retail Developments
10-21-8 Ground Sign Regulations
10-21-9 Wall Sign Regulations
10-21-10 Projecting Sign Regulations
10-21-11 Post Sign Regulations
10-21-12 Marquee Sign Regulations
10-21-13 Temporary Sign Regulations
10-21-14 Farm Produce Signs in the Agricultural District
10-21-15 Signs, Canopies, and Awnings Constructed on or Over Public Right-of-Way
10-21-16 Nonconforming Uses
10-21-17 Violation

10-21-1 General Provisions

A. Permit Required. It shall be unlawful for any person to erect, or cause to be erected or constructed within the City, any sign or awning without having first secured a permit therefore from the Community Development Department.

B. A permit fee, as designated in this Ordinance, for each sign or awning shall be charged to the applicant securing the required permit. Said fees may be subject to change from time to time by resolution of the City Council.

C. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited.

D. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, excepting time and temperature devices or electronic message centers meeting all regulations set forth in this chapter.

E. History Consideration. Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be made without conformance to all the requirements of this Ordinance when authorized by the Zoning Board of Adjustment provided:

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

10-21-2 Signs Allowed in All Districts

The following signs are allowed in all districts:

A. Temporary signs not exceeding twelve square feet in area advertising the sale or lease of real estate when located upon the property to which the sign refers. Said signs shall be removed upon sale or lease of the property.

B. Temporary ground signs advertising future use or development of property on which such signs are located may be maintained, subject to the provisions of this Section, provided such signs do not exceed 32 square feet in area or remain longer than six months. “For Rent” and “For Lease” signs in commercial and industrial districts for new buildings shall not exceed 48 square feet or remain for more than 90 days after the building is completed.

C. Churches, and other permitted uses in single family residential zoning districts, shall be permitted to erect one bulletin board sign in addition to other signage permitted in this chapter.

1. The bulletin board sign may be illuminated changeable letter or LED message center not to exceed eighteen square feet in area, be turned off between the hours of 11 p.m. and 7 a.m.
2. The bulletin board sign shall be set back from all property lines a minimum of 25 feet, or the
same distance as the principal structure; whichever is less.
3. Electronic message centers (EMC) permitted by this section shall be restricted to red or amber alpha numeric displays on a dark background.

4. Message changes shall not occur more frequently than once in every four (seconds.

D. Traffic and public signs.

10-21-3 Signs Allowed in the R-5, R-6, and S-2 Districts

A. In the R-5, R-6, and S-2 Districts, there may be one wall sign related to the name or use of each occupant, and not more than one electronic message center (EMC), per parcel.

B. All EMC's permitted by this section shall be comply with the following regulations:

1. Be set back from the front property line the distance at least equal to the square footage of the EMC
2. In no case shall the EMC exceed 25 square feet in area.
3. Be restricted to red or amber alpha numeric display on a dark background.
4. Message changes shall not occur more frequently than once in every four seconds.

10-21-4 Signs Allowed in the C-1, C-3, M-1, and S-1 Districts

A. In the C-1, C-3, M-1, and S-1 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs, electronic message centers, and awning signs subject to the following regulations:

B. No advertising matter shall be allowed on any sign, except pertaining to the business conducted in the building on the premises on which such sign is placed. Exception: The use of signs to promote not-for-profit communitywide events or activities.

C. The total square foot area of all signs attached or affixed to any building or wall shall not exceed one-fifth of the total square foot area of the face of the building on which they are placed, but in no event shall the maximum square foot area of all such signs exceed 240 square feet.

10-21-5 Signs Allowed in the S-3 District

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

B. The existing Sign Code Regulations contained herein for the respective uses in the residential, commercial, and light industrial zoning districts shall be construed as the guide in reviewing proposed signs in the Site Plan Review process.

C. Resolution of sign size or location conflicts in the S-3 Mixed Use Development (MXD) District may be appealed to the Zoning Board of Adjustment and the Planning and Zoning Commission.

10-20-6 Signs Allowed in the C-2 and M-2 Districts

A. In the C-2 and M-2 Districts, there may be roof signs, wall signs, projecting signs, post signs, marquee signs, ground signs, electronic message centers, and awning signs subject to the following regulations:

B. Ground signs are subject to the following regulations

1. No ground sign shall exceed 400 square feet in area
2. Not more than one ground sign shall be erected on any one lot or tract of land, or one sign for each 400 feet apart on such lot or tract of land
3. No ground sign, when erected on a lot fronting on intersecting streets, shall be erected within 50 feet of the intersection of the streets.

C. In the C-2 District, electronic message centers (EMCs) are subject to the following regulations:

1. Electronic Message Center (EMC) signs shall not exceed 25 square feet in area
2. EMC's shall be restricted to alpha numeric displays on a dark background
3. Message changes shall not occur more frequently than once every four seconds.

10-21-7 Signs in Large Scale Retail Developments

In a Large Scale Retail Development, defined as: "A property of 20 acres or more including the main lot and subdivided lot(s), which is used primarily for purposes as defined in Section 10-11-1(A), (B), (F), and (G); and Section 10-11-2(A), (B), (F) (G), (H), (I). The Large Scale Retail Development can be one or multiple owners for the entire property or any induvial subdivided lot, the following sign regulations apply:

A. The total surface area in square feet of all signs on a building shall not be more than three times the number of lineal feet in the length of the longest elevation of the building, measured from exterior face of building wall to exterior face of building wall directly across the plane of the building elevation, not including building setbacks, nor protrusions, nor canopies, nor the like appurtenances of the building.

B. Signs may be erected on each wall of the building and shall not exceed one-fifth of the total square foot area of the face of the building on which they are placed, but in no event, shall the total square footage of all such signs on a building exceed the total sign surface area as defined in Section 10-21-7(A).

C. All signs shall be affixed on the building walls and/or canopies and shall not extend outward therefrom more than twelve inches or project higher than 35 feet above curb level or five feet above building height, whichever is lower.

D. One pylon sign for each public road frontage adjacent to the property; each of which may identify the name of the Large Scale Retail Development (and may also identify the name and services or merchandise of each or any of the retail stores, offices, cinemas and restaurants located in the development), may be erected in addition to the signs affixed to the building walls as permitted in 10-21-7(A). Such signs shall:

1. Have a total surface area of not more than 500 square feet on each side;
2. Not project higher than 35 feet above grade at the sign;
3. May be erected so that the sign begins directly at grade level; but shall not be located within ten feet of property lines, unless the sign height is three feet or less in height measured from the ground elevation at the base of sign, then no setback from property line is required.

E. Post Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-21-11 with the exception of the quantity of Post Signs, which shall be proposed by the property owner and subject to the approval of the Site Plan Review Committee.

F. Ground Signs for Large Scale Retail Developments shall comply with all requirements of Section 10-21-8 with the exception that not more than one ground sign is allowed per street frontage as otherwise permitted in the sign ordinance. Additional ground signs may be allowed at public access points into Large Scale Retail Developments but shall be limited to not more than feet in height and subject to the approval of the Site Plan Review Committee.

10-21-8 Ground Sign Regulations

Ground signs shall comply with the following regulations:

A. No ground sign shall be at any point over 25 feet above the ground level.

B. Ground signs shall be stoutly constructed in a secure and substantial manner.

C. Ground signs shall be at least ten distant from any lot line.

10-21-9 Wall Sign Regulations

Wall signs shall comply with the following regulations:

A. No wall sign shall extend beyond the building more than twelve inches.

B. No wall signs shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress or egress to or from any window, door, or any fire escape of any building.

10-21-10 Projecting Sign Regulations

Projecting signs shall comply with the following regulations:

A. Projecting signs may extend from the building into the front yard, provided that if the projecting sign is within ten feet of any property line at its closest point, a minimum of ten feet of vertical clearance must be maintained from ground level to the lowest edge of the sign.

10-21-11 Post Sign Regulations

Post signs shall comply with the following regulations:

A. The maximum square foot area for each face of a post sign shall not exceed two square feet for each lineal foot of the longest dimension of that lot; however, the maximum square foot area for each face of a post sign shall not exceed two hundred forty (240) square feet. For lots with more than 120 linear feet of frontage along a public street, and additional 1 square foot of sign is permitted for every 2 linear feet of public street frontage. However no, single sign exceeding 600 square feet is permitted.

B. No post sign shall exceed 35 feet in height.

C. There shall be not more than one post sign per lot.

D. Post signs shall be wholly maintained within private property lines.

E. Post signs constructed within ten feet of any property line must maintain at least ten feet of vertical clearance from the ground or pavement to the lowest edge of the sign.

F. No post sign may be extended downward nearer than five feet to the ground or pavement.

10-21-12 Marquee Sign Regulations

Marquee signs and marquee shall comply with the following regulations:

A. Marquees may extend up to eight feet into a front yard.

B. Marquees shall be not less than ten feet above the ground at its lowest level.

C. A sign may be placed on a marquee, provided such sign does not extend more than three feet above nor one foot below such marquee.

10-21-13 Temporary Sign Regulations

Temporary signs shall comply with the following regulations:

A. Banners, pennants, propellers, valances, balloons, sandwich boards, and similar advertising display relating grand openings and special events shall require a sign permit for a period not to exceed 14days. Under appropriate circumstances, the 14-day period permit may be renewed once by the Community Development Director. Appeals may be made to the Zoning Board of Adjustment. These displays shall not interfere with traffic or pedestrian safety when erected.

B. Temporary signs promoting yard sales, political campaigns, referendums, public notices, and similar purposes shall be permitted, provided such signs shall be removed within three days after the date the event, sale, election, etc., occurs.

C. Community Sponsored Events. That is, signs that denote public, civic, or educational activities or events shall require City Council approval for any signs located in the public right-of-way under the terms and conditions as the City Council may require. Approved

sign permits shall remain effective only for the duration granted by City Council and shall then be removed by the sponsor

D. Portable signs or paper posters applied directly to the wall, building, pole, or other support and letters or pictures in the form of advertising, printed or applied directly on the wall of a building, are prohibited.

E. Temporary signs may be displayed in or attached to the inside of show or display windows, provided the total sign area does not exceed twenty percent (20%) of the show or display window area.

10-21-14 Farm Produce Signs in the Agricultural District

In the Agricultural District (AG), farm produce signs are permitted accordingly:

A. Permanent Sign. One on-premises sign not to exceed 32 square feet is allowed. Special exceptions may be approved by the Zoning Board of Adjustment for approval of any permanent monuments, insignia, device, symbol, or object regardless of the nature of the material thereof and manner of composition or construction.

B. Temporary Signs. Permits for farm-related produce operations in the Agricultural District (AG) shall be for temporary signs not exceeding the period of June 1st through November 10th, at which time they shall be removed. Permits shall be renewed annually. A permit for a temporary sign shall include all such temporary signs on the premises.

10-21-15 Signs, Canopies, And Awnings Constructed on or Over Public Right-Of-Way

General. Signs, canopies, and awnings constructed on or over public right-of-ways are prohibited, except as otherwise allowed herein.

A. Face mounted signs not exceeding twenty percent (of the face of the building on which they are attached and not exceeding more than twelve inches from the building.

B. Signs constructed below a canopy or awning, provided the sign does not extend further than the outer edge of the canopy, the sign does not exceed eighteen inches in height, and a vertical clearance of seven feet is maintained from the lowest point of the sign to the ground or pavement.

C. Canopies and Awnings. All canopies and awnings shall be constructed on private property only and cantilevered over public right-of-ways. They shall be of stoutly constructed materials capable of withstanding imposed loads and shall provide a minimum of seven feet of vertical clearance from the bottom edge of the canopy or awning to grade.

D. Historic Consideration. Repairs or alterations necessary for the preservation, restoration, or continued use of a sign, awning, marquee, or canopy may be made

without conformance to all the requirements of this Ordinance when authorized by the City Council following a review and recommendation of the Zoning Board of Adjustment provided:

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

E. Overhanging signs, canopies, and awnings which overhang public right-of-ways as of September 16, 1981, and which otherwise conform to all applicable provisions of this Ordinance may continue to be maintained, provided the owner(s) of said signs, awnings, or canopies shall agree in writing to indemnify the City of Muscatine from any and all claims or suits for damages caused by the signs, awnings, or canopies on forms provided by the City. Further, the owner(s) shall provide the City of Muscatine with proof of public liability insurance in the amount of $100,000.

F. Signs, awnings, or canopies referenced in Title 10, Chapter 21, Section 15(E) shall be brought into compliance with all provisions of this ordinance when they are changed, altered or replaced.

G. Proposals for any new sign, canopy, or awning which will overhang public right-of-ways shall be reviewed by the Zoning Board of Adjustment with a recommendation forwarded to the City Council for their approval or denial.

10-21-16 Nonconforming Uses

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

10-21-17 Violation

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

Title 10 – Zoning

Chapter 22 – Fence Regulations

Sections

10-22-1 Regulations for Fences in Residential Districts
10-22-2 Regulations for Fences in Non-Residential Districts
10-22-3 Sight Triangle
10-22-4 Fencing Required Around Outdoor Pools

10-22-1 Regulations for Fences in Residential Districts

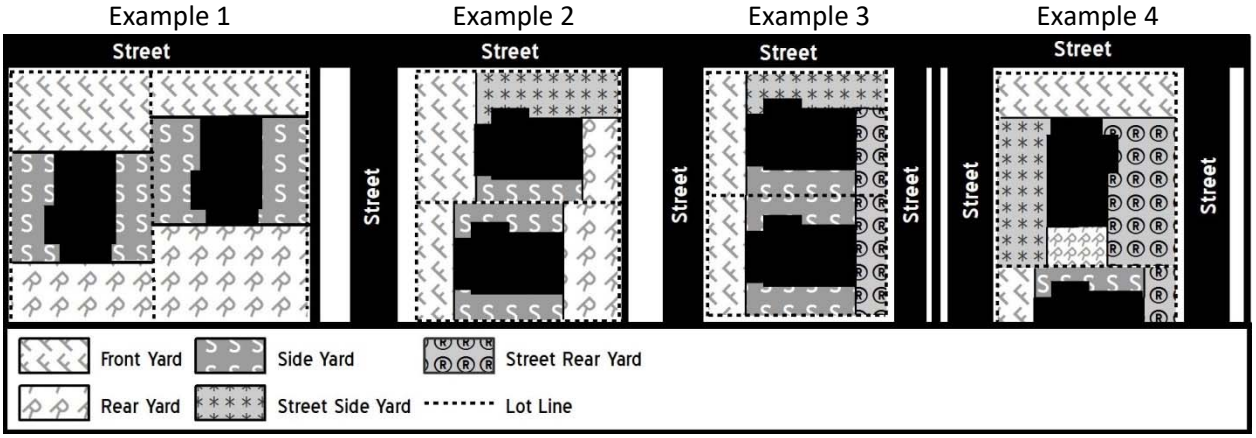
Fences in residential districts shall comply with the following regulations:

A. Definitions

For the purposes of this section only, the following terms are defined:

1. **Lot Lines:** The property lines along the edge of a lot.
2. **Street Lot Lines:** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley.
3. **Corner Lot:** A lot which has street lot lines that intersect.
4. **Through Lot:** A lot which has street lot lines that do not intersect. A lot with three street lot lines can be both a corner and through lot.
5. **Building Line:** A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of the main building on the lot, extended the full width of the lot.
6. **Front Lot Line**
   - **a.** On a lot only abutting one street, the front lot line is the full length of a lot line that abuts a street.
   - **b.** On a corner lot, the front lot line is the shortest of the lot lines that abut a street, regardless of the location of the building's architectural main entrance; if the lot is square then the front lot line shall face the building's architectural main entrance.
   - **c.** On a through lot, the front lot line is the street lot line which faces the building's architectural main entrance.
   - **d.** On a lot that is both a corner lot and through lot, the shortest street lot line shall be deemed to be the front lot line, if two street lot lines are the same length and shorter than any other street lot lines, the front lot line is the is the street lot line which faces the building's architectural main entrance.

7. **Front Yard**: The area extending across the full width of the lot extending from the front building line of the main building to the front lot line.
8. **Rear Lot Line**: A lot line that is opposite a front lot line.
9. **Rear Yard**: The area extending the full width of the lot between the rear building line and the rear lot line, exclusive of any area that meets the definition of a street side yard or rear side yard.
10. **Side Lot Line**: A lot line that is neither a front, rear, or street lot line.
11. **Side Yard**: Areas between a side building lot line and the main building, and which are between the front and rear building lines.
12. **Street Side Lot Line**: A lot line that is neither a front or rear lot line, and is a street lot line.
13. **Street Side Yard**: The street side yard shall be any area behind the front building line, that is between any side street lot line and the main building, and which does not meet the definition of a street rear yard.
14. **Street Rear Yard:**
    - **a.** When the rear lot line is also a street lot line, the street side rear yard shall be the area between the rear building line and the rear lot line, exclusive of any area located between a side building line and a side lot line that is a street lot line.
    - **b.** When the rear lot line is not a street lot line, the street side rear yard shall be the area behind the front building line, that is between the side street lot line, on the street which the rear lot line of the adjoining lot is parallel to, the side building line.



B. The maximum allowed height of fences are as follows:

1. Any area of the lot that is between the main building and a side building line; and is also between the main building and either the front or rear building line: 6 feet.
2. Rear Yards: 6 feet.
3. Side Yards: 6 feet.
4. Front Yards:
   - **a.** All portions of a front yard that are more than 25 feet from the front lot line: 6 feet
   - **b.** Portion of front yards that are less than 25 feet from the front lot line:
     - **i.** Fences that are more than 25% opaque: 3 feet.
     - **ii.** Fences that are less than 25% opaque: 6 feet.
5. Street Side Yards:
   - **a.** All portions of a street side yard that are more than 25 feet from the street side lot line: 6 feet
   - **b.** Portion of street side yards that are less than 6 feet from the street side lot line:
     - **i.** Fences that are more than 25% opaque: 6 feet.
     - **ii.** Fences that are less than 25% opaque: 3 feet.
   - **c.** Portion of street side yards that are more than 6 feet, but less than 25 feet, from the street side lot line:
     - **i.** Fences that are more than 25% opaque: 4.5 feet (54 inches).

Examples of Fences that are less than 25% opaque

ii. Fences that are less than 25% opaque: 6 feet.
All portions of a street side yard that are located between the main building and the side building line: 6 feet.

6. Street Rear Yards:

d. All portions of street rear yards that are more than 6 feet from the street rear lot line: 6 feet

e. Portion of street rear yards that are less than 6 feet from the street rear lot line:

i. Fences that are more than 25% opaque: 3 feet.

ii. Fences that are less than 25% opaque: 6 feet.

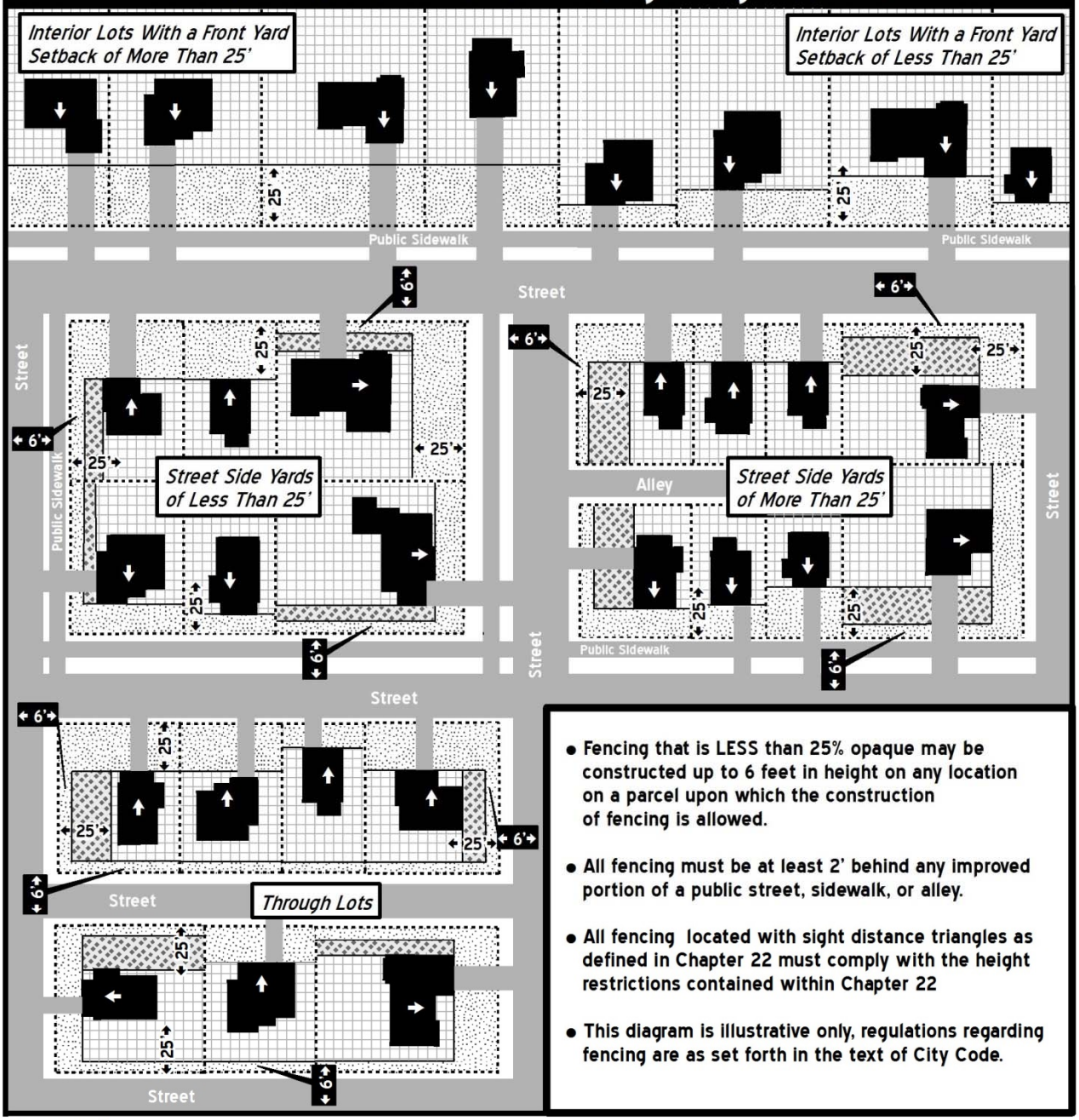
f. All portions of a street rear yard that are located between the main building and the rear building line: 6 feet

C. All fencing must be at least 2 feet behind any improved portion of a public street, sidewalk, or alley.

D. No fence shall contain barbed wire, razor wire, electrical current or charge of electricity, or similar hazardous materials or devices except in and those parcels in which the keeping of livestock is permitted.

Examples of Fences that are more than 25% opaque

Illustration of Fencing Regulations



- Fencing that is LESS than 25% opaque may be constructed up to 6 feet in height on any location on a parcel upon which the construction of fencing is allowed.
- All fencing must be at least 2' behind any improved portion of a public street, sidewalk, or alley.
- All fencing located with sight distance triangles as defined in Chapter 22 must comply with the height restrictions contained within Chapter 22
- This diagram is illustrative only, regulations regarding fencing are as set forth in the text of City Code.

Legend

- Maximum Height of Fences that are more than 25% opaque: 3 Feet
- Maximum Height of Fences that are more than 25% opaque: 4.5 Feet (54 Inches)
- Maximum Height of Fences that are more than 25% opaque: 6 Feet
- Building Footprint
- Direction in Which the Front of the Building Faces
- Property Line

10-22-2 Regulations for Fences in Non-Residential Districts

Fences in non-residential districts shall comply with the following regulations:

A. Barbed wire or similar materials are allowed, if located on top of a fence or wall that is at least 6 feet in height.

B. No fence shall contain razor wire, broken glass or similar hazardous materials or devices.

10-22-3 Sight Triangle

All fences located with sight distance triangles as defined in Title 10, Chapter 28 must comply with the height restrictions contained within Title 10 Chapter 28.

10-22-4 Fencing Required Around Outdoor Pools

A swimming pool, or other contained body of water of more than 24 inches or more in depth at any point and is intended for swimming, shall be enclosed by a fence or wall meeting the following criteria:

A. Be entirely enclosed by at least a four-foot wall, fence or other barrier as measured on the exterior side of the wall, fence or barrier.

B. Have no openings in the wall, fence or barrier through which a spherical object 4 inches in diameter can pass. *Figure A.*

C. Have a vertical clearance between grade and the bottom of the wall, fence or barrier of less than 2 inches, as measured from the side of the wall, fence or barrier that faces away from the pool.

When a wall, fence or barrier is composed of vertical and horizontal members and the distance between the tops of the horizontal members is greater than or equal to 45 inches, spacing between vertical members shall not be greater than 4 inches. *Figure B.*

D. When a wall, fence or barrier is composed of vertical and horizontal members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the wall, fence or barrier. Spacing between the vertical members shall not be greater than 1¾ inches. *Figure C.*

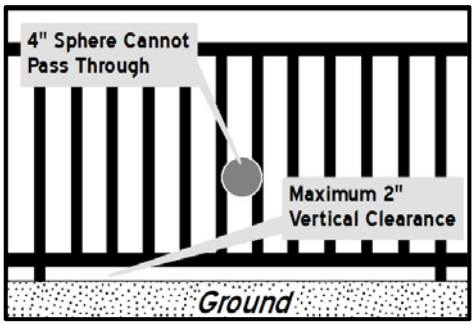


Figure A

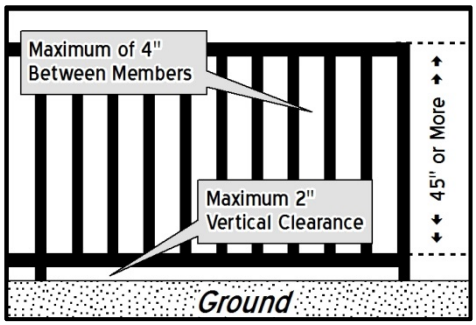


Figure B

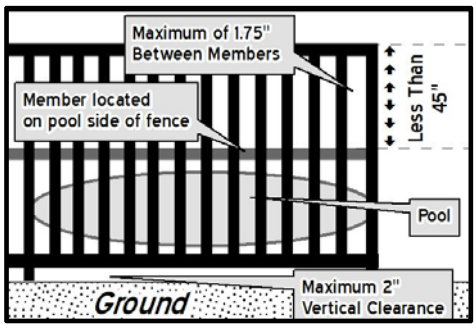


Figure C

E. Where there are decorative cutouts on any vertical member, spacing within the cutouts shall not exceed 1¾ inches.

F. When a wall, fence or barrier is composed of diagonal members, the openings formed by the diagonal members shall not be greater than 1¾ inches.

G. Mesh size for chain link fences shall not be greater than a 2¼ inch square, unless the fence is provided with slats fastened at the top or bottom which reduce the size of the openings to 1¾ inches. *Figure D.*

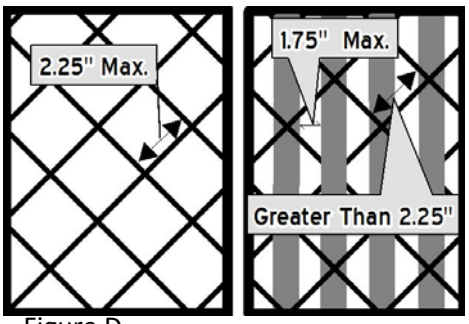


Figure D

H. Gates for the enclosure shall:

1. Be self-closing and self-latching.

2. The latch shall be located:

i. At least 54 inches above the underlying ground or;

ii. Be located on the pool side of the gate with a release mechanism at least 3 inches below the top of the gate and no opening greater than ½ inch within 24 inches of the release mechanism.

3. Open outward from the pool.

I. The wall, fence or barrier shall not contain openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to climb the wall, fence or barrier.

J. Solid barriers which do not have opening(s) shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

K. When an aboveground pool structure is used as barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps shall be:

i. Capable of being secured, locked, or removed to prevent access, without creating any openings that would allow the passage of a 4 inch sphere, or;

ii. Surrounded by a wall, fence or barrier that meets all requirements contained within this Chapter.

Title 10 – Zoning

Chapter 23 – Mobile Home Regulations

Sections

10-23-1 General Provisions
10-23-2 Mobile Home Court Standards

10-23-1 General Provisions

Regulations regarding mobile homes shall be as follows:

A. All inhabited mobile homes shall be located in a mobile home court which has received a conditional use permit and which conforms with the requirements of this chapter.

B. No mobile home outside of an approved mobile home court shall be connected to utilities, except those mobile homes being offered for sale and not inhabited.

10-23-2 Mobile Home Court Standards

Mobile home courts shall meet the following minimum standards:

A. Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than four thousand (4,000) square feet and a width of not less than forty-five feet (45').

B. No court shall be permitted an average density of mobile home lots of more than nine (9) per acre.

C. Each mobile home court shall provide an area of not less than ten (10) acres.

D. Each lot shall have provisions for at least two (2) frame ties and two (2) over-the-top tiedowns equal to or better than the specifications outlined in Booklet TR-75 published by the Department of Defense.

E. All mobile home courts shall provide lots sufficient in size that no mobile home or any structure, addition, or appurtenance thereto is located less than ten feet (10') from the nearest adjacent court boundary.

F. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet (10') from the nearest adjacent buildings.

G. Each mobile home site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than twenty feet (20') in width, which shall have unobstructed access to a public highway, street, or alley.

H. The mobile home court shall be surrounded by a landscaped strip of open space fifty feet (50') wide along the street frontage of a major street and twenty-five feet (25') wide along all other lot lines or street frontage.

Title 10 – Zoning

Chapter 24 – Nonconforming Use Regulations

Sections

10-24-1 Nonconforming Use of Buildings
10-24-2 New Structures
10-24-3 Abandonment
10-24-4 Rebuilding or Restoration
10-24-5 Discontinuance
10-24-6 Change in Use
10-24-7 Alterations to Nonconforming Uses
10-24-8 Existence of a Nonconforming Use
10-24-9 Intermittent Use

10-24-1 Nonconforming Use of Buildings

A. The lawful use of a building existing at the effective date of this Ordinance may be continued, although such does not conform to the provisions hereof, provided no structural alterations are made.

B. A nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification.

C. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

10-24-2 New Structures

No new structures shall be erected nor shall any additional area of land be utilized other than that which is lawfully occupied and used at the time this Ordinance takes effect.

10-23-3 Abandonment

A nonconforming building, structure, or use shall be deemed abandoned if the building, structure, or use is discontinued for a period of one year. Said building, structure, or property shall not thereafter be returned to such nonconforming use and shall be used only in conformity to and with these regulations. A nonconforming use shall be considered abandoned:

A. When the intent of the owner to discontinue the use is apparent; or

B. When the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year; or

C. When a nonconforming use is replaced by a conforming use; or

D. When a nonconforming use has been changed to another use under proper permit from the Zoning Board of Adjustment.

10-24-4 Rebuilding or Restoration

A. If a nonconforming building or use is damaged by fire, explosion, or other catastrophe to such an extent that the cost of restoration would be less than 50% of the assessed value of the building at the time of the catastrophe, such building or use may be rebuilt or restored and used again as previously.

B. Such rebuilding or restoration shall be completed within twelve months after such catastrophe, and the building as restored shall not be greater in volume or floor space than the original nonconforming structure.

C. If a nonconforming building or use is damaged to such an extent that the cost of restoration would exceed 50% of said value, such building or use shall not be restored and may be replaced only by a conforming building and use.

10-24-5 Discontinuance

If a nonconforming building, structure, or use is abandoned for one year after the adoption of this Ordinance, it shall not return to its nonconforming state, but must be brought into conformity with the regulations of the district in which it is located.

10-24-6 Change in Use

A. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

B. A nonconforming use may be changed to a use of the same or more conforming classification and such use thereafter shall not be changed to a less conforming classification.

10-24-7 Alterations to Nonconforming Uses

A. The Zoning Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit a nonconforming use to be changed to another nonconforming use, provided such changed use is more in conformity with the spirit and intent of this Ordinance than the prior use and is not more injurious, obnoxious, or offensive to the neighborhood.

B. The Zoning Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit an expansion of a nonconforming use if such expansion would not be injurious, obnoxious, or offensive to the neighborhood and would not constitute an expansion of more than fifty 50% of the previous gross floor area.

10-24-8 Existence of a Nonconforming Use

Whether a nonconforming use exists shall be a question of fact and shall be decided by the Zoning Board of Adjustment after public notice and hearing and in accordance with the rules of the Board.

10-24-9 Intermittent Use

The casual intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

Title 10 – Zoning

Chapter 25 – Cemetery Development Standards

Sections

10-25-1 New Cemeteries
10-25-2 Existing Cemeteries (as of December 4, 1986,)

10-25-1 New Cemeteries

A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.

B. An initial site plan shall be submitted for review and approval by the Planning and Zoning Commission and City Council prior to any site development. The Site Plan Review Process as adopted and amended shall be construed as the guide in developing a site plan for review.

C. Any alteration or modification of the initially approved site plan shall require resubmission under the Site Plan Review Process.

D. No mausoleum or columbarium shall be located within three hundred feet of any cemetery property line or public street.

E. A sign is permitted indicating the name of the cemetery, it shall not exceed 25 square feet. Any other sign for incidental and accessory uses shall be face mounted on a building or structure and in total shall not exceed twenty-five square feet. Internal signs not visible from the property line directing cemetery traffic, posting of cemetery rules, and designating areas within a cemetery are permitted.

F. No above ground monument or structure shall be placed within 50 feet of any property line or public streets.

G. Outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least 75% opaque. This includes, but is not limited to, trash bins and vaults or headstones for sale or future use.

H. No burial plots or facilities are permitted on areas designated as flood plain by the City's Federal Flood Insurance Rate Maps.

I. Assurances must be provided that water supplies of surrounding properties will not be adversely affected by cemetery operations.

10-25-2 Existing Cemeteries, as of December 4, 1986

A. An irrevocable permanent care and maintenance trust fund shall be established for all interment of the dead in burial plots, mausoleums and columbariums in accordance with the laws and regulations of the State of Iowa for perpetual care as presently set forth and as hereafter amended.

B. An initial site plan shall be submitted for review and approval by the Planning and Zoning Commission and City Council prior to any site development. The Site Plan Review Process as adopted and amended shall be construed as the guide in developing a site plan for review. Any alteration or modification of the initially approved site plan shall require resubmission under the Site Plan Review Process.

C. No mausoleum or columbarium shall be located within 200 feet of any cemetery property line or public street.

D. All existing signs shall continue to be permitted. In the event any existing sign visible from adjacent property or public street is to be changed or replaced, it shall comply with all other local regulations as well as the provisions of 10-25-1(E).

E. Subsurface grave site interments in development areas may continue in accordance with the pattern established by existing burials. Undeveloped areas abutting adjacent residential lots are subject to a setback provision of 25 feet from said property line. The use of the first 25 feet of undeveloped areas adjacent to public streets shall be restricted to flush mounted subsurface gravesite interments only.

F. Proposed outside storage or display shall be screened from view of adjacent property and public streets by landscaping or fencing at least 75% opaque. This includes but is not limited to, trash bins, and vaults or headstones for sale or future use.

G. Subject to applicable property line and public street setback requirements as set out in 10-25-2(C), a crematory shall be a permissive use within Memorial Park Cemetery.

Title 10 – Zoning

Chapter 26 – Additional Height, Yard, and Density Regulations

Sections

10-26-1 Exceptions to Height Limits
10-26-2 Additional Yard Requirements
10-26-3 Exceptions to Yard Requirements
10-26-4 Exceptions to Lot Area and Width Requirements

10-26-1 Exceptions to Height Limits

Height limits may be exceeded in the following instances:

A. Public, semi-public, or public service buildings, hospitals, institutions, agricultural buildings, or schools when permitted in a district may be erected to a height not exceeding sixty feet (60') and churches and temples may be erected to a height not exceeding seventy-five feet (75'), if the building is set back from each yard line at least one foot (1') for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.

Setback* = Y + (H - M)

***: Setback for Building Exceeding Maximum Allowed Height as per 10-26-1(A)**
Y: Minimum Yard Depth as per Zoning District
H: Height of the highest point of building
M: Maximum Structure Height as per Zoning District

B. Church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, stacks, conveyors, and flag poles may be erected to such height as may be authorized by the City Council.

C. The height of towers, transmission equipment, and wireless supports structures as defined in Section 10-30-2 shall be regulated by Chapter 30

10-26-2 Additional Yard Requirements

The following additional yard requirements must also be observed:

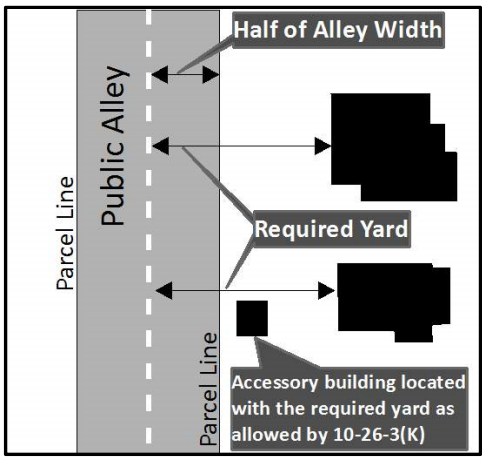


Illustration 26-2A

A. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard. For the purpose of side yard regulations, a two-family dwelling or multi-family dwelling shall be considered as one building occupying one lot.

B. Where the R-3, R-4, R-5, and R-6 Districts abut the R-1 or R-2 District, a minimum side yard shall be ten feet.

C. On a lot fronting on two nonintersecting streets, a front yard must be provided on both streets.

D. On corner lots, there must be a front yard on both streets. On corner lots that are lots of record, the buildable width cannot be reduced to less than 28 feet, except that there shall be a yard along the side street of such a lot of at least five feet.

E. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.

F. In the C-1, M-1, and S-1 Districts, there may be more than one building on a lot, provided that:

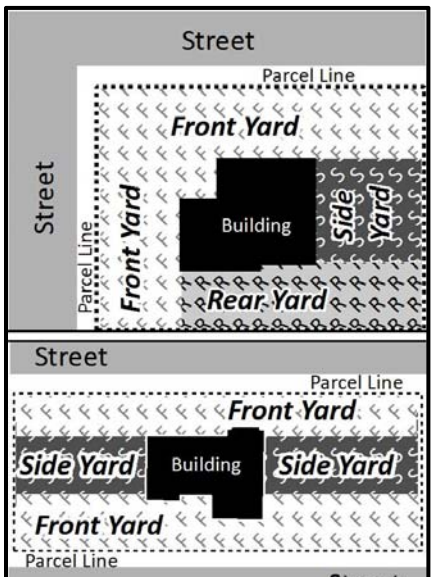


Illustration 26-2D

1. The lot is under, and will be retained under, single ownership, whether a private individual or corporation.
2. A site plan is provided to the Planning and Zoning Commission for approval prior to obtaining a building permit.
3. All separate buildings and uses are interrelated and part of a cohesive development plan.
4. The applicable street and utility standards apply.

G. There may be two or more related multi-family, hotel, motel, or institutional buildings on a lot; provided that:

1. The required yards be maintained around the group of buildings, and
2. Buildings that are parallel or that are within 45° of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.

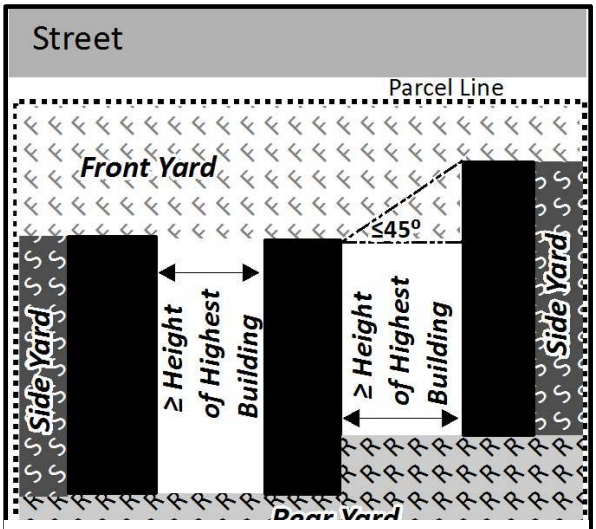


Illustration 26-2G

H. No part of an existing building that violates yard regulations when damaged by any cause whatsoever to the extent of more than 65% of the fair market value of the building immediately prior to damage shall be restored, except in conformity with the yard regulations of this Ordinance.

I. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of front or side yard shall be measured from such official line to the nearest line of the building.

J. The minimum width of side yards for schools, libraries, places of worship, community buildings, and other public and semipublic buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.

10-26-3 Exceptions to Yard Requirements

The following exceptions may be made to the yard requirements:

A. Where, on the effective date of this Ordinance, f40% or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:

1. Where the building furthermost from the street provides a front yard not more than ten feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.

2. Where subsection 1 is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.

3. Where neither subsections 1 nor 2 is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.

B. Sills, belt courses, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed two feet

C. Filling station pumps and pump islands may occupy required yards, provided, however, that they are not less than fifteen feet from all lot lines.

D. Signs in accordance with Chapter 10-21.

E. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than five feet, when so placed as to not obstruct light and ventilation.

F. Open, unenclosed, or screened porches (not glassed in) may extend ten feet into a front yard.

G. Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

H. No side yards are required where dwellings are erected above commercial and industrial structures, except such side yard as may be required for a commercial or industrial building on the side of a lot adjoining a residential district.

I. Accessory buildings and uses may be located in a rear yard, but may not occupy more than 40% of a rear yard.

J. On corner lots, the minimum buildable width of 28 feet for main buildings is reduced to twenty-two feet for accessory buildings.

K. Satellite receiving dishes shall be erected and maintained behind the building line in residential districts and shall be located not nearer than four feet to any side or rear lot line.

10-26-4 Exceptions to Lot Area and Width Requirements

The minimum lot area and lot width requirements established above may be modified as follows:

A. Where a lot of record at the time of the effective date of this Ordinance has less area or frontage than herein required in the district in which it is located, said lot may nevertheless be used for any use permitted in the district in which it is located.

B. The number of permitted dwelling units for multi-family dwellings may be increased in the following instances, with the percentages in sections 1 through 5 to be applied individually and not cumulatively:

1. By five percent if a landscaped buffer area not used for off-street parking, with a minimum depth of ten feet or a masonry wall six feet in height is provided on all lot lines that are also district boundaries with a less restricted zoning district.
2. By ten percent if the project provides at least two off-street parking spaces for each dwelling unit.
3. By five percent if all of the required parking spaces are enclosed or in an underground structure.
4. By ten percent (if the project includes a club, tennis court, swimming pool, or other major recreation facility occupying at least two-tenths (0.2) of a square foot of land area for each square foot of floor area in the buildings.

C. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to existing yard requirements for that district.

D. Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes, or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

Title 10 – Zoning

Chapter 27 – Off-Street Parking & Loading Regulations

Sections

10-27-1 Rules for Computing Required Off-Street Parking
10-27-2 Minimum Number of Required Off-Street Parking Spaces
10-27-3 Reduction in the Number of Required Off-Street Parking Spaces
10-27-4 Accessible Parking Regulations
10-27-5 Off-Street Loading Requirements
10-27-6 Shared Use of Required Parking Spaces
10-27-7 Location of Required Parking Spaces
10-27-8 Standards for All Parking Lots, Garages, Drive Lanes, and Driveways
10-27-9 Minimum Off-Street Parking Space Dimensions
10-27-10 Minimum Parking Aisle Width
10-27-11 Stormwater Management
10-27-12 Landscaping Standards
10-27-13 Standards for Required Trees and Shrubs
10-27-14 Bicycle Parking

10-27-1 Rules for Computing Required Off-Street Parking

In computing the number of required off-street parking spaces or loading spaces, the following rules shall apply:

A. Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.

B. Where fractional spaces result, the parking spaces required shall be the nearest whole number.

C. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately or be the subject of a shared parking agreement under the provision of Section 10-27-6.

D. Whenever an existing building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, and parking spaces shall be provided on the basis of the enlargement of change.

10-27-2 Minimum Number of Required Off-Street Parking Spaces

The minimum number of off-street parking spaces required is determined by the use of a parcel and are as follows:

A. **Single-Family Residential:** 2 per dwelling unit
B. **Duplex:** 2 per dwelling unit
C. **Multi-Family Residential**
    1. Efficiencies & One Bedroom**:** 1 per unit
    2. Two Bedroom Unit and all Dwelling Units in the Mixed Use – Downtown District with at least Two Bedrooms: 1½ per unit
    3. Three Bedroom or More Units: 2 per unit
    4. All Multi-Family Residential Dwelling Units Located in Areas Zoned for Single-Family Dwelling Units: 2 per unit.
D. **Boarding House:** 1 per 2 tenants
E. **Place of Worship:** 1 per 4 fixed seats, 1 per 8 feet of bench length, or 1 per every 28 square feet in areas where no permanent seats are maintained in the main auditorium (sanctuary or place of worship)
F. **Elementary and Middle School:** 2 per classroom, plus 1 per employee
G. **High School or College:** 10 per classroom, plus 1 per employee
H. **Ballet, Martial Arts, Dance & Gymnastics School/Academy/Studio or other like establishment:** 1 per 80 square feet of activity area
I. **Public Building:** 1 per 330 square feet of gross floor area
J. **Office (Non-medical):** 1 per 330 square feet of gross floor area
K. **Medical Office:** 1 per 300 square feet of gross floor area
L. **Hospital:** 2 per bed
M. **Nursing Home:** 1 per 4 beds
N. **Industrial:** 2 per each 3 employees on maximum shift, plus 1 per vehicle use in connection therewith
O. **Warehouse:** 1 per 2,000 square feet of gross floor area
P. **Mini-Storage Warehousing:** 3 plus 1 per 100 storage units
Q. **Eating & Drinking Establishment:** 1 per 66 square feet of seating floor plus 1 each for each 440 square feet of non-seating floor area
R. **Drive-Through Food Restaurant:** 1 per 66 square feet of seating floor plus 1 each for each 440 square feet of non-seating floor area plus, 5 stacking spaces per drive-through, including service window and menu board areas
S. **Movie Theater:** 1 per 4.5 seats
T. **Bowling Alley:** 4 per lane, plus one per employee on the largest shift

U. **Recreation Center:** 1 per 4 persons at maximum capacity

V. **Golf Course:** 3 parking spaces per green, plus fifty percent (50%) of the spaces otherwise required for any accessory use (e.g., bars, restaurants).

W. **Furniture and/or Major Appliance Stores:** 1 per 660 square feet of gross floor area

X. **Motor Vehicle (Including Boats) Sales, Display, and Rental:** 1 space for every 330 square feet of floor used for indoor display and 1 parking space for each 660 square feet of for all indoor space not used for display. Parking spaces used for the display and storage of vehicles for sale or rent shall not be used to meet the requirements of this Section.

Y. **Transportation or Trucking Yards**: Parking for customers and employees shall be calculated by the individual component uses such as but not limited to offices for the dispatch areas, warehouses for transshipment or warehouse type areas.

Z. **Beauty and Barber Shops:** 1 per employee plus 1 per 1.5 hairdresser/barber station

AA. **Funeral Homes, Chapels, Crematoriums, Mortuaries:** 1 per 4 persons at maximum capacity

BB. **Day Care/Child-Care Facilities:** 1 per employee plus 1 off-street passenger drop off/pick up space per 10 students

CC. **Hotel/Motel**: 1 per guest room

DD. **All Nonresidential Uses within the Mixed Use - Downtown District:** No off-street parking required

EE. **All Other nonresidential Uses:** 1 per 330 square feet of gross floor area

10-27-3 Reduction in the Number of Required Off-Street Parking Spaces

A. The Site Plan Review Committee, in accordance with the site plan review process contained in Section 10-2-7(I), may authorize adjustments be made to the required number of off-street parking spaces as established by Section 10-27-2 based on the following criteria:

1. The minimum number of off-street parking spaces may be reduced by up to 50% when the applicant for a development can demonstrate, to the satisfaction of the Site Plan Review Committee, that the use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, user, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to off-street parking space requirements contained in Section 10-27-2 and such a reduction in the number of required off street parking spaces will not adversely impact the surrounding area.

2. Costs associated with providing the required off-street parking spaces shall not be used as a justification for a reduction in the number of required off-street parking spaces.

10-27-4 Accessible Parking Regulations

All parking facilities shall comply with 2010 ADA Standards for Accessible Design and all other applicable Federal or State code/regulations.

A. Except as noted in Section 10-27-4(B), Section 10-27-4(C) and 10-27-4(D), the required number of accessible parking spaces is as indicated in the following table.

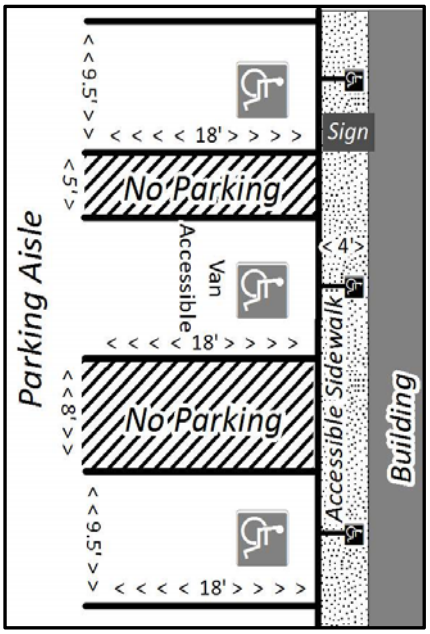
Total Parking Spaces in Lot	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total
1,001 & over	20, plus 1 each for each 100 over 1,000

B. For outpatient, medical offices and treatment facilities, 10% of total parking spaces, not including those that are restricted for the use of employees, shall be handicap accessible.

C. For facilities that specialize in treatment or services for persons with mobility impairments, 20% of total parking spaces, not including those that are restricted for the use of employees, shall be handicap accessible.

D. For residential facilities:

1. Where at least one parking space is provided for each residential dwelling unit, at least one accessible space shall be provided for each residential unit that are required by the American with Disabilities Act to provide mobility features complying with Sections 809.2 through 809.4 of the 2010 ADA Standards for Accessible Design.



2. Where the total number of parking spaces provided for each unit exceed one per residential unit, 2% but no less than one accessible space shall be provided in addition to any space required by Section 10-27-4(D)(1).

3. Where parking spaces are provided for persons other than residents, accessible spaces in a number that is in accordance with Section 10-27-4(A) shall be provided.

E. Individual accessible parking spaces shall have an additional five-foot-wide, diagonally striped aisle abutting the passenger side of the space. If such spaces are provided in adjacent pairs, then one five-foot aisle may be shared between the two spaces.

F. One in every six accessible parking spaces, but not less than one, shall be served by a van accessible space, which is an accessible parking space with a loading area of at least eight feet wide.

G. Two accessible parking spaces may share a common access aisle.

H. Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with Americans with Disabilities Accessibility Guidelines accessible route requirements.

I. Parked vehicle overhangs shall not reduce the clear width of an accessible route.

J. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:48 in all directions.

K. Each accessible parking space must be accompanied by a sign with the international symbol of accessibility mounted at five feet above the ground. Signage for van accessible spaces shall include the written designation “van accessible”.

L. Persons with disabilities parking spaces and access loading zones for persons with disabilities that serve a particular building shall be located on the shortest accessible route to the nearest accessible entrance with a minimum four-foot-wide sidewalk, said sidewalk shall comply with all relevant ADA standards. In parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest route to an accessible pedestrian entrance to the parking facility. Where buildings have multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances.

10-27-5 Off-Street Loading Requirements

A. On the same premises with every building or part thereof, erected and occupied for commercial, industrial or other similar use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading or unloading services in order to avoid undue interference with street or parking areas.

B. All nonresidential uses within the C-2 Central Commercial District are exempt from the requirements of this Section.

C. Off-street loading space areas shall not be construed, as, or counted towards, the supplying of area required as off-street parking space area.

D. The loading and unloading space, unless completely and adequately provided for within a building, shall be a minimum area of 10 feet by 25 feet with 14 foot height clearance.

E. The minimum number off-street loading spaces required are as indicated in the following table:

Gross Floor Area (square feet)	Number of Loading Spaces Required
0 to 2,000	None
2,000 to 20,000	1
20,000 to 100,000	1 space plus 1 space for each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.
100,000 to 500,000	5 spaces plus 1 space for each 40,000 sq. ft. of gross floor area in excess of 100,000 sq. ft.
Over 500,000	15 spaces plus 1 space for each 80,000 sq. ft. of gross floor area in excess of 500,000 sq. ft.

F. In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than 50 feet shall be provided on the subject parcel.

G. All off-street loading spaces shall be paved and shall be screened from any front yard area, unless the front yard is across the street from a parcel located in either the M-1 or M-2 District, either by the building existing on the lot or by a planting screen or fence.

H. The minimum number of loading spaces may be reduced by up to 50% when the applicant for a development can demonstrate, to the satisfaction of the Site Plan Review Committee, that the special characteristics of the customer, client, user, employee or resident population will reduce expected loading space demand for

this development, as compared to the off-street loading space requirements contained in Section 10-27-5.

10-27-6 Shared Use of Required Parking Spaces

A. One parking area may contain required spaces for several different uses but, except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

B. To the extent developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday, but is 90% vacant on the weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Similarly, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church's spaces on those other days.

C. Joint use parking agreements between adjoining properties, or in planned developments on the same property, shall identify:

1. The number of vehicle spaces provided for each land use activity(ies);

2. The dates and times when said activities are conducted;

3. Subsequently be recorded with the County Recorder's Office prior to occupancy or use of said property or facilities.

10-27-7 Location of Required Parking Spaces

All parking spaces required herein shall be located as follows:

A. The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served and located behind the front building line.

B. The parking spaces required for any other building or use may be located on an area within 300 feet of said building and two or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with the building or use served, the usage of the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this Ordinance.

C. In residential districts vehicles may be parked in the portion of any driveway located in front of the front line of the main building; however, parking in this area may not be used to satisfy requirements for a minimum number of off street parking spaces.

10-27-8 Standards for All Parking Lots, Garages, Drive Lanes, and Driveways

All areas intended for vehicular use, including but not limited to parking lots, garages, drive lanes, and driveways shall conform to the following improvement and maintenance standards:

A. All parking areas, drives, lanes, aisles, loading spaces and any other outdoor spaces that accommodate vehicles shall be hard surfaced with materials such as Portland Concrete Cement or Asphaltic concrete (Asphalt), and shall be maintained so as to provide a durable pavement surface free of dust, weeds, and standing water.

B. Portland Concrete Cement or Asphaltic concrete (Asphalt) hard surfacing shall meet all the following standards and shall be constructed to have the minimum pavement structural number as follows:

1. Areas subjected to only automobile loading: 2.5
2. Areas subjected to truck loading: 3.0.

C. Gravel, crushed stone, dirt, chip seal, oil, sand or other such surfacing materials shall not be permitted.

D. Other type of types of hard surfacing, that are not specifically prohibited, which create a durable pavement surface free of dust, weeds, and standing water, may be permitted if the material and specifications are approved in advance by the City of Muscatine.

E. Adequate provision shall be made for the disposal of storm water so that water will not flow onto adjoining property or adjacent sidewalks in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk.

F. A structurally sound wall or other abutment approved by the City Engineer to ensure safety shall be installed around each side of the parking lot wherever necessary to prevent the washing of soil to and from adjoining property, and a wall or screen of such height and character as are necessary for adequate screening of the parking lot from adjacent property shall also be provided to meet requirements of the City Engineer.

G. The location and width of entrances and exits to and from the lot or garage shall be as determined by the City Engineer, but there shall not be more than one entrance and one exit, or one combined entrance or exit, along any one street, unless the same is deemed necessary by the City Council for the alleviation of traffic congestion and interference of traffic movement along such street.

H. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing, where required by the City Engineer.

F. Wherever the parking lots or garages are to be used during darkness, a system of lighting shall be installed to provide an adequate standard of illumination over the entire parking lot.

G. Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot shall shield the source of light from sight and prevent the spillover of direct light onto the residential use, while still providing security to motorists, pedestrians and bicyclists.

H. A sign, the size and character of which shall be approved by the Site Plan Review Committee, shall be installed showing the ownership of the lot or garage and the permitted use thereof. If the lot or garage is so operated that a charge is made for the use of the parking facilities, the rates for parking shall be legibly shown upon the sign.

I. A temporary shelter for the use of parking lot attendants may be maintained on the lot, provided the location, construction, and design of the same shall first be approved by the Site Plan Review Committee.

J. The parking lot or garage shall be maintained in a manner to keep it as free as practicable from dust, paper, and other loose particles, and snow and ice shall be promptly removed by the operator. All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians. All signs, markers, or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise, any walls, trees, and shrubbery, as well as surfacing of the parking lot or garage, shall be maintained in good condition throughout its use for parking purposes and the City Engineer shall have the authority to prohibit the use of the area for parking purposes, unless and until proper maintenance, repair, or rehabilitation is completed.

10-27-9 Minimum Off-Street Parking Space Dimensions

A. **Width:** 9.5 Feet
B. **Length:** 18 Feet

10-27-10 Minimum Parking Aisle Width

The minimum width of drive aisles providing access to parking spaces shall be as follows:

A. **Two Way Traffic:** 24'
B. **One-Way Traffic - 90° Parking Angle:** 24'
C. **One-Way Traffic - 75° Parking Angle:** 18'
D. **One-Way Traffic - 60° Parking Angle:** 14' 6"
E. **One-Way Traffic - 45° Parking Angle:** 12' 8"
F. **One-Way Traffic - 30° Parking Angle:** 11'

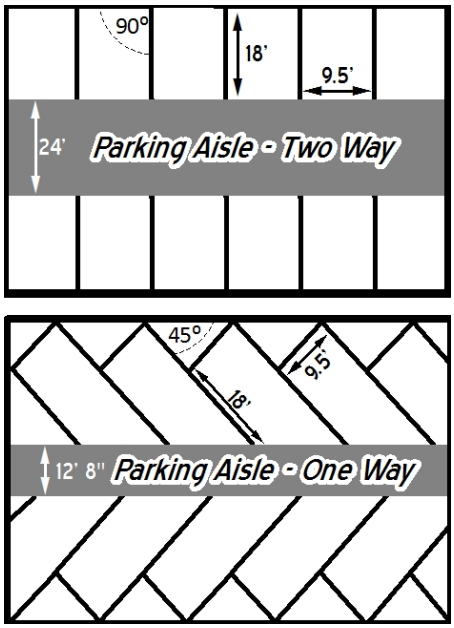


Figure B

10-27-11 Stormwater Management

Stormwater from parking lots shall drain to approved stormwater quality management practices. These practices are structural stormwater controls used to capture and treat a volume of stormwater runoff.

A. These stormwater management practices shall be constructed in accordance with the most current version of the Iowa Stormwater Management Manual and must be reviewed and approved by the Public Works Department before construction.

B. Stormwater management practices shall be designed and built to accommodate the runoff for the entire parking lot at an event rainfall depth of 1.25".

C. Stormwater management practices may be located in landscaped islands or landscaped buffers required by this Chapter.

D. Stormwater management practices shall be maintained in good working order.

10-27-12 Landscaping Standards

The landscaping requirements in this section are intended to maximize the natural areas retained in any parking lot in order to optimize natural infiltration of rainwater, intercept and manage stormwater runoff, and provide an aesthetic setting for development. In order to accomplish these goals the following standards shall apply:

A. Landscaped Islands

1. Landscaped islands meeting all the criteria set forth in this chapter shall be constructed in the portions of parking areas, containing 15 or more parking spaces, that are between any public street and a line drawn parallel the nearest face of the main building. Parking areas for large truck and semis do not require landscaped islands. If there is no structure on a parcel, landscaped islands shall be required in the entire parking lot.

2. Such islands shall be located:

a. At the ends of each parking aisle;

b. As intermediate islands in long rows of spaces, in a manner so that no more than fifteen parking spaces are directly adjacent to one another;

c. As separation between pedestrian walkways and parking spaces.

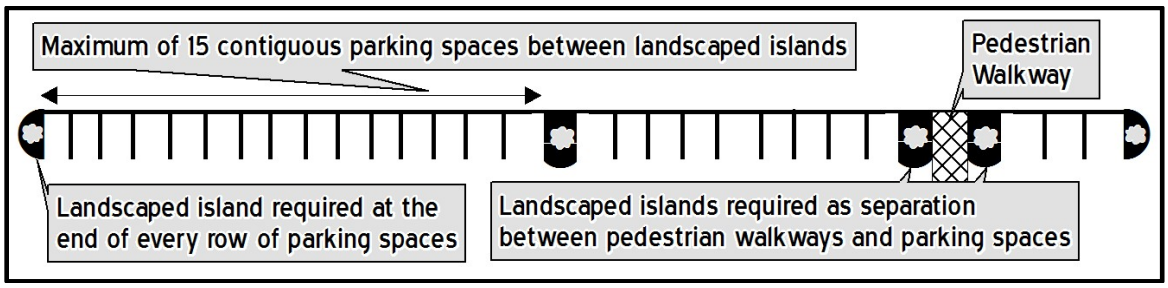
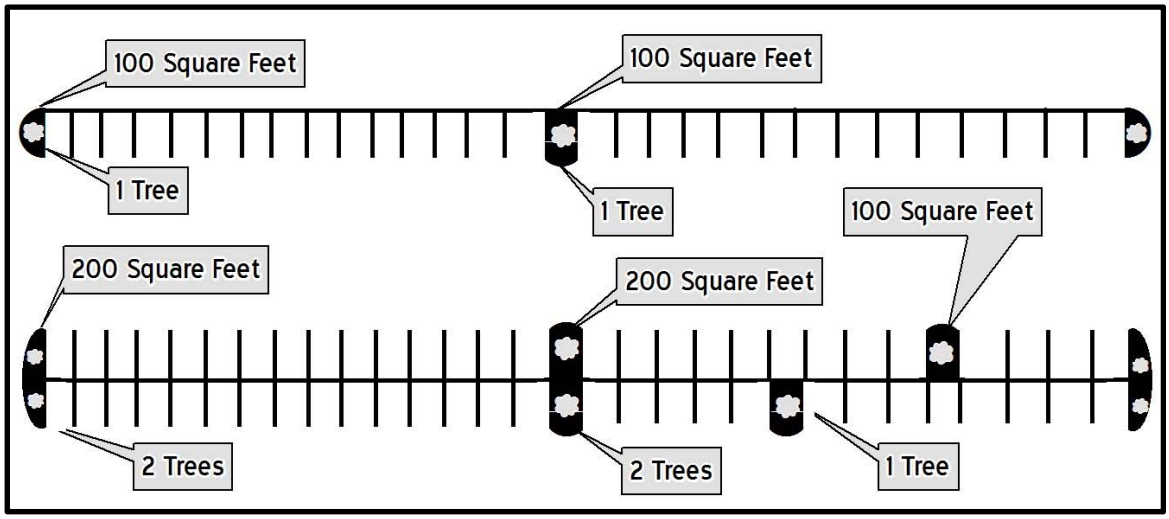


Figure C

3. The minimum size for a landscaped island shall be 100 square feet. If two required landscaped in adjoining row of parking are combined the minimum size shall be 100 square feet.

4. A minimum of one deciduous or evergreen tree shall be planted on each required parking lot island.



B. Screening Parking Lots from Residential Properties

To ensure that adjacent residents are not unreasonably disturbed, either by day or by night, by vehicle operations, parking areas adjacent to any residentially zoned property shall be screened from view by a solid wall or fence with a minimum height of 6 feet.

C. Landscaped Buffers along Streets

1. Parking lots shall be visually screened from all abutting streets by a landscaped buffer area at least 6 feet in width.
2. A minimum of one tree and 6 shrubs shall be planted in the landscaped buffer per 25 linear feet of street frontage.
3. All fractional amounts of required trees or shrubs shall be rounded up to the next whole number. For example, 2.15 trees rounds up to three trees.
4. Where existing conditions or other provisions of this Ordinance make it impracticable to meet the requirements of Section 10-27-12(C), the Site Plan Review Committee may approve a modification to the width or location of the landscaped buffer area, or the spacing or number of trees in the landscaped buffer area, so long as there is no net loss of planted area or number of trees required if at all possible.

10-27-13 Standards for Required Trees and Shrubs

A. Required Size

All trees and shrubs that are required by this chapter shall meet the following requirements.

1. Deciduous trees shall be planted at 3 inches in caliper.
2. Evergreen trees shall be coniferous species planted at six feet in height.
3. Shrubs shall be either deciduous species planted at 2½ feet in height or evergreen species planted at 2 ½ feet in spread.

B. Required Maintenance

All planting required by this Chapter shall be maintained to continue its effectiveness. If it deteriorates or dies, it shall be repaired or replaced no later than the next planting season.

C. Permitted Tree Varieties

Any tree or shrub planted in a landscaped parking lot island or in landscaped buffer yard that is required by Section 10-27-12 shall be of one of the following approved varieties.

1. Ornamental Pears: Cleveland Select or Red Spire
2. Japanese Tree Lilac
3. Maple, Sugar
4. Maple, Black
5. Maple, Red
6. Hackberry
7. Honey Locust, seedless thornless
8. Gingko, male only
9. London Plane Tree
10. Oak, Swamp White
11. Oak, Burr
12. Oak, Red
13. Oak, Scarlet
14. Oak, English
15. Linden, American
16. Linden, Little Leaf
17. Zelkova
18. Beech
19. Elm, Princeton
20. Tulip Tree
21. Iron Wood
22. Narrow vase shaped Crab Apples: Adirondack and Marilee
23. Any other variety not listed, but which has been approved for planting in the right-of-way by the City of Muscatine.

D. A tree may be planted in lieu of any shrub required by this chapter. Trees planted in lieu of a required shrub need not be three inces in caliper.

10-27-14 Bicycle Parking

A. Minimum Number of Required Bicycle Parking Spaces

For all nonresidential uses and multifamily residential developments containing more than 4 dwelling units, a minimum number of bicycle rack(s) are required as indicated in the following table.

Minimum Required Number Motor Vehicle Parking Spaces	Minimum Number of Bicycle Racks
0-5	None
5-40	1
41-60	2
61-80	3
81-100	4
Over 100	5 or 5% of the minimum number of motor vehicle space, whichever is greater

B. Location

1. All required bicycle parking racks shall be located within a 100-foot diameter of the primary building entrance.
2. All required bicycle racks shall be located in highly visible and well-lit areas to minimize theft and vandalism.
3. A minimum of four feet from the required bicycle rack dimension shall be provided for pedestrian clearance when a bicycle rack is placed within a sidewalk or pedestrian right-of-way.
4. Bicycle parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the Americans with Disabilities Act of 1990, as amended.

C. Layout and Design

1. Each bicycle rack shall be designed to accommodate two bike parking spaces using the allowed bike rack designs below.
2. Bicycle racks shall be designed to accommodate U-shaped locking devices. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.
3. The bicycle racks shall be constructed of durable materials to withstand permanent exposure to the elements, such as powder-coated metal or stainless steel.
4. All bicycle parking spaces must be hard-surfaced and dust free.
5. All bicycle racks shall be securely anchored to the ground using a concrete footing and tamper-proof spike anchors.
6. In cases where bicycle racks are not visible from the primary street, signage shall be used to direct cyclists safely to bicycle parking areas.

Title 10 – Zoning

Chapter 28 – Sight Distance Triangle Regulations

Sections

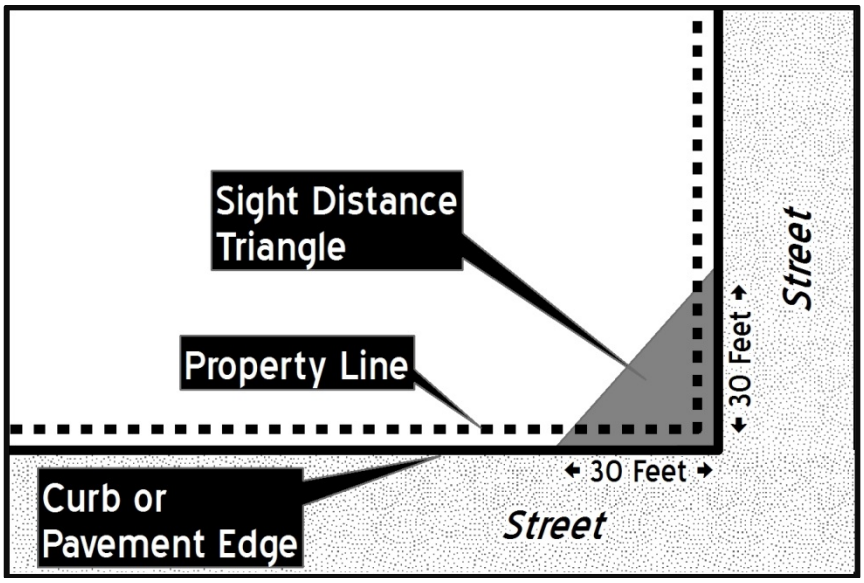
10-28-1 Sight Distance Triangle Requirement
10-28-2 Sight Distance Triangle Dimensions
10-28-3 Vertical Clear Zone

10-28-1 Sight Distance Triangle Requirement

Where property abuts the intersection of two streets or the intersection of an alley and a street, an unobstructed view shall be provided and maintained at all times within the sight distance triangle and vertical clear zone as described in this chapter.

10-28-2 Sight Distance Triangle Dimensions

The sight distance triangle is the horizontal area at the intersection of two streets. Two sides of the triangle are measured 30 feet from the corner intersection along the curb and gutter flow line, or if no curb exists, from the edge of pavement. Where an intersection has rounded corners, the sides will be extended in a straight line to a point of intersection.



10-28-3 Vertical Clear Zone

The vertical clear zone is the area above a sight distance triangle in which obstructions shall be minimized to provide a clear view.

A. Height

The vertical clear zone is measured vertically from the curb and gutter flow line, or if no curb exists, from the edge of pavement. The clear zone is the area between a height of three feet and seven feet.

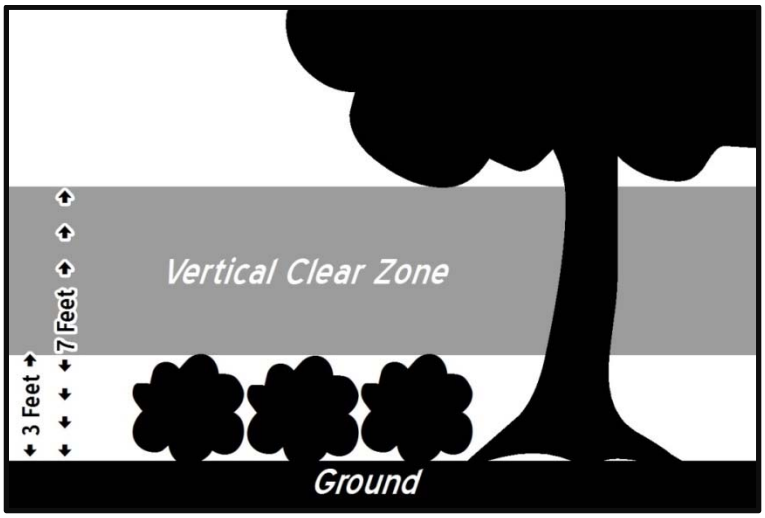
B. Obstruction Prohibited

The vertical clear zone shall be free of obstructions, including but not limited to fences, walls, landscaping, signs, structures, tree canopies or parked vehicles.

C. Exemption of Certain Point Obstructions

Certain objects are considered point obstructions and are permitted because a driver can move slightly and be able to see around them. The following objects are permitted with in the vertical clear zone.

1. Poles with a diameter of less than one foot that support an approved sign, flag or similar devices.
2. Official traffic control devices.
3. Utility equipment, such as but not limited to poles, transformers, distribution equipment, etc.
4. Mailboxes.
5. Trees that are devoid of branches between three and seven feet from the ground and that are spaced in manner that minimizes visual obstruction.
6. Any obstruction that was permitted by City Code on the date that it was installed.



Title 10 – Zoning

Chapter 29 – Keeping of Animals in Residential Districts

Sections

10-29-1 Applicability
10-29-2 Definitions
10-29-3 Regulations Applying to Parcels Under 2 Acres in Size
10-29-4 Regulations Applying to Parcels More than 2 Acres but Less than 20 Acres in Size
10-29-5 Regulations Applying to Parcels More 20 Acres in Size
10-29-6 Keeping of Hives or Colonies of Bees

10-29-1 Applicability

A. The raising and keeping of any animals within a residential zoned district shall comply with the regulations contained within this chapter**.**

B. Nothing in this section shall be construed as permitting a type or species of animal that is prohibited elsewhere in the City Code.

10-29-2 Definitions

A. Domestic Companion Animal: A domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food or fur, or monetary gain. Typically, this includes dogs, cats, birds and other small mammals and reptiles, but not fowl, herd animals, goats, horses, other farm type animals, or types of animals prohibited elsewhere in City Code.

B. Small Farm Type Animal: Small sized animals or fowl normally raised on a farm, or as part of commercial agricultural or animal husbandry operation, or normally used for purposes related to agricultural production, including but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, mink, and other animals or fowl of similar size and type, whose mature weight is less than 30 pounds. Young or miniature large animals are not included in this definition and are considered large animals. The category does not include domestic companion animals.

C. Medium Farm Type Animal: Medium sized animals or fowl normally raised on a farm, or as part of commercial agricultural or animal husbandry operation, or normally used for purposes related to agricultural production, including but not limited to, sheep, goats, or similar medium sized animals whose mature weight is between 30 and 500 pounds. The category does not include domestic companion animals.

D. Large Farm Type Animal: Includes, but not limited to, horses, donkeys, burros, llamas, bovines, bison, camels, ostriches, emu, and other animals or livestock of similar size and type, whose mature weight exceeds 500 pounds.

10-29-3 Regulations Applying to Parcels Under 2 Acres in Size

A. Keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code is permitted.

B. All pens, cages or any other structure related to the keeping of domestic companion animals shall be maintained in a sanitary manner free from noxious odor, and conditions shall limit noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties. Furthermore, domestic companion animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

C. Keeping of small farm type animals, medium farm type animals, or large farm type animals is prohibited.

D. Kennels or any other forms of boarding animals for compensation are prohibited.

10-29-4 Regulations Applying to Parcels More than 2 Acres but Less than 20 Acres in Size

A. Keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code is permitted.

B. Maximum number of farm type of animals permitted:

1. **Small farm type animals**: Maximum of 4 small farm type animals per acre.
2. **Medium farm type animals**: Maximum of 2 medium farm type animals per acre.
3. **Large farm type animals:** Maximum of 1 large farm type animal per acre.

E. Keeping of roosters, peacocks, turkey gobblers or guinea fowl is not permitted.

F. Any accessory structure related to the keeping of farm type animals shall comply with all of the following:

1. Any accessory structure associated with the keeping of small, medium, or large type farm animals, other than swine, shall be set back 60 feet from the nearest parcel line.

2. Not more than one animal shelter building for the housing of livestock or small animals or fowl shall be permitted on one parcel.

G. All pens, stalls, quarters, or any other structure related to the keeping of animals as well as any grazing areas shall be maintained in a sanitary manner free from noxious odor, and conditions shall limit noise and the attraction of insects and rodents so as not to

cause a nuisance to occupants of nearby buildings or properties. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

H. Kennels or any other forms of boarding animals for compensation are prohibited.

I. Services offered in exchange for compensation that are related to or make use of farm type animals are prohibited.

J. Keeping of swine prohibited.

10-29-5 Regulations Applying to Parcels More than 20 acres in Size

A. Keeping of domestic companion animals of a type and in a manner that is in compliance with all relevant sections of City Code is permitted.

B. All farm type animals are permitted.

C. Feed lots, livestock confinement areas, or confined animal feeding operations a**re** prohibited.

D. Any accessory structure related to the keeping of farm type animals shall comply with all of the following:

1. Any accessory structure associated with the keeping of less than 60 small, 20 medium, or less than 10 large type farm animals, other than swine, shall be set back 60 feet from the nearest parcel line.

2. Any accessory structure associated with the keeping of 60 or more small type farm animals, 20 or more medium type farm animals, or 10 or large type farm animals, or any number of swine shall maintain a 200 feet setback from the nearest parcel line.

E. All pens, stalls, quarters, or any other structure related to the keeping of animals as well as any grazing areas shall be maintained in a sanitary manner free from noxious odor, and conditions shall limit noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

F. Kennels or any other forms of boarding animals for compensation are prohibited.

G. Services offered in exchange for compensation that are related to or make use of farm type animals are prohibited

10-29-6 Keeping of Hives or Colonies of Bees

Keeping of hives or colonies of bees is permitted subject to the following:

A. No more than 2 hives per acre are permitted.

B. Hives or colonies of bees shall be kept in a manner inaccessible to the general public.

C. Hives or colonies of bees shall be kept in a manner so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way.

D. Hives shall be located at least 60 feet from the nearest property line. The front of any beehive shall face away from the property line of the residential property closest to the beehive.

E. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

F. In the event a hive exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits unusual disposition toward swarming, the beekeeper shall promptly re-queen the colony. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

G. No Africanized bees may be kept on a property under the regulations of this section.

Title 10 – Zoning

Chapter 30 – Wireless Technology Siting Ordinance

Sections

10-30-1 Purpose
10-30-2 Definitions
10-30-3 Application Review for All Applications
10-30-4 Application Review for Applications Identified As Eligible Facilities Requests
10-30-5 Application Review for Applications Identified For New Tower Construction
10-30-6 Application Review for Applications Identified for the Initial Placement or Installation of Transmission Equipment on Wireless Support Structures, Modification of an Existing Tower or Existing Base Station That Constitutes a Substantial Change, or Other Requests for Construction or Placement of Transmission Equipment That Do Not Constitute Eligible Facilities Requests
10-30-7 Proprietary Leasing of City Owned or Controlled Property
10-30-8 Utility Poles
10-30-9 Conditional Use Permits
10-30-10 New Tower Regulations

10-30-1 Purpose

This Chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report & Order and Iowa Code Chapter 8C.

The purpose of this Chapter is to establish general and specific guidelines for the regulation of wireless communication facilities and communication towers. In order to preserve and promote the public health, safety, convenience and general welfare of the City, this section is established to:

A. Protect the City's visual environment from the potential adverse visual effects of the wireless communication facilities and communication towers, through careful design and location standards.

B. Prevent harm to adjoining public or private property by improper placement of wireless communication facilities.

C. Encourage collocation of wireless communication facilities on existing structures.

D. Streamline and expedite any existing permitting procedures in accordance with the intent of any Federal and State laws.

10-30-2 Definitions

For the purposes of this Chapter, the terms used have the following meanings:

A. ***Applicant****.* Any person engaged in the business of providing wireless telecommunications services or the wireless telecommunications infrastructure required for wireless telecommunications services and who submits an Application.

B. ***Application.*** A request submitted by an Applicant to the City of Muscatine's Community Development Department for the following:

1. An Eligible Facilities Request,

2. To construct a new Tower,

3. For the initial placement of Transmission Equipment on a Wireless Support Structure,

4. For the modification of an existing Tower or existing Base Station that constitutes a Substantial Change to an existing Tower or existing Base Station, or

5. Any other request to construct or place Transmission Equipment that does not meet the definition of an Eligible Facilities Request.

C. ***Base Station.*** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a Tower as defined herein or any equipment associated with a Tower. Base Station includes, without limitation:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

3. Any structure other than a Tower that, at the time the relevant Application is filed with the City of Muscatine under this section, supports or houses equipment described in paragraphs (C)(1)-(C)(2) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

4. The term does not include any structure that, at the time the relevant Application is filed with the City of Muscatine under this section, does not support or house equipment described in (C)(1)-(C)(2) of this section.

D. ***Collocation.*** The mounting or installation of Transmission Equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

E. ***Electric Utility****.* Any owner or operator of electric transmission or distribution facilities subject to the regulation and enforcement activities of the Iowa utilities board relating to safety standards.

F. ***Eligible Facilities Request****.* Any request for modification of an existing Tower or Base Station that does not substantially change the physical dimensions of such Tower or Base Station, involving:

1. Collocation of new Transmission Equipment;

2. Removal of Transmission Equipment; or

3. Replacement of Transmission Equipment.

G. ***Eligible Support Structure****.* Any Tower or Base Station as defined in this section, provided that it is existing at the time the relevant Application is filed with the City of Muscatine under this section.

H. ***Wireless Support Structure.*** A structure that exists at the time an Application is submitted and is capable of supporting the attachment or installation of Transmission Equipment in compliance with applicable codes, including but not limited to water towers, buildings, and other structures, whether within or outside the public right-of-way. "Wireless Support Structure" does not include a Tower or existing Base Station.

I. ***Existing****.* A constructed Tower or Base Station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a Tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.

J. ***Initial Placement or Installation****.* The first-time Transmission Equipment is placed or installed on a Wireless Support Structure.

K. ***Site.*** For Towers not in the public right-of-way, the current boundaries of the leased or owned property surrounding the Tower and any access or utility easements currently related to the site, and, for other Eligible Support Structures other than towers, that area in proximity to the structure and to other Transmission Equipment already deployed on the ground.

L. ***Substantial Change****.* A modification substantially changes the physical dimensions of an Eligible Support Structure if it meets any of the following criteria:

1. For Towers other than Towers in the public rights-of-way, it increases the height of the Tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever

is greater; for other Eligible Support Structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

2. For Towers other than Towers in the public rights-of-way, it involves adding an appurtenance to the body of the Tower that would protrude from the edge of the Tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for Towers in the public rights-of-way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current Site;

5. It would defeat the concealment elements of the Eligible Support Structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the Eligible Support Structure or Base Station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (L)(1)-(L)(3) of this section.

7. Height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops. Otherwise, height shall be measured from the dimensions of the Tower or Base Station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act, Pub. L. No. 112-96, Tit. VI.

M. ***Transmission Equipment.*** Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

N. ***Tower.*** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated Site.

O. ***Utility Pole.*** A structure owned or operated by a public utility, municipality, or Electric Utility that is designed specifically for and used to carry lines, cable, or wires for telephone, cable television, or electricity, or to provide lighting.

P. ***FCC.*** Federal Communications Commission of the United States.

10-30-3 Application Review for All Applications

A. Application

Applicant shall complete an Application form and indicate whether their Application and intended use is for:

1. An Eligible Facilities Request, construction of a new Tower;
2. For the initial placement of Transmission Equipment on a Wireless Support Structure
3. For the modification of an existing Tower or existing Base Station that constitutes a Substantial Change to an existing Tower or existing Base Station; or
4. Any other request to construct or place Transmission Equipment that does not meet the definition of an Eligible Facilities Request.

B. Zoning and Land Use.

The City of Muscatine exercises zoning, land use, planning, and permitting authority within the City's territorial boundaries with regard to the siting of Transmission Equipment, subject to the provisions of Iowa Code Chapter 8C and federal law.

C. Application Fee.

The Application fee, including all City of Muscatine and third party fees for review or technical consultation, shall be reasonably related to actual and direct administrative costs according to Iowa law and are as follows:

1. $50 for Eligible Facilities Request
2. $100 for New Tower
3. $100 for Initial Placement or Installation of Transmission on a Wireless Support Structure
4. $100 for Modification of an Existing Tower that Constitutes a Substantial Modification
5. $100 for any other Application to construct or place Transmission Equipment

D. Duration of Approval

The duration of the approval shall not be limited, except that construction of the approved structure or facilities shall be commenced within two years of final approval, including the disposition of any appeals, and diligently pursued to completion.

E. Limitation of Information

The information requested for an Application shall not include information about, or evaluate an Applicant's business decisions with respect to, the Applicant's designed service, customer demand for service, or quality of the Applicant's service to or from a particular area or Site.

F. Limitation of Review for Other Potential Locations or Collocation

The City of Muscatine's review will not:

1. Include evaluating the availability of other potential locations for the placement or construction of a Tower or Transmission Equipment; or
2. Require Applicants to establish other options for Collocation instead of the construction of a new Tower or modification of an existing Tower or existing Base Station that constitutes a Substantial Change to an existing Tower or existing Base Station.

G. Transmission Equipment and Technology

Application review shall not dictate the type of Transmission Equipment or technology to be used by the Applicant or discriminate between different types of infrastructure or technology.

H. Radio Frequency and Environmental Impacts

The City of Muscatine shall not:

1. Deny an Application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions, as provided in 47 U.S.C. §332(c)(7)(B)(iv);
2. Establish or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality;
3. Impose environmental testing, sampling or monitoring requirements or other compliance measures for radio frequency emissions from Transmission Equipment that are categorically excluded under FCC rules for radio frequency emissions pursuant to 47.C.F.R. §1.1307(b)(1).

I. Removal

The City of Muscatine shall not require the removal of existing Towers, Base Stations, or Transmission Equipment, wherever located, as a condition to approval of an Application.

J. Emergency Power Systems

The City of Muscatine shall not prohibit the placement of emergency power systems that comply with Federal and State environmental requirements.

K. Zoning for Airports and Airspace

The City of Muscatine can administer and enforce airport zoning pursuant to the provisions of Chapter 329 for the protection of navigable airspace.

L. Surety Requirements

The City of Muscatine shall not impose surety requirements, including bonds, escrow, deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused Towers or Transmission Equipment can be removed, unless requirements are competitively neutral, nondiscriminatory, reasonable in amount, and commensurate with the historical record for local facilities and structures that are abandoned.

M. Tower Space

The City of Muscatine shall not condition the approval of an Application on the Applicant's agreement to

1. Provide space on or near the Tower, Base Station, or Wireless Support Structure for the City of Muscatine or local governmental or nongovernmental services at less than the market rate for such space, or
2. Provide other services via the structure or facilities at less than the market rate for such services.

N. Historic Properties and Districts

The City of Muscatine may administer and enforce zoning regulations to approve or deny applications for proposed alterations to exterior features of designated local historic landmarks. Applicants shall also comply with federal and state historic property laws.

O. Discrimination

The City of Muscatine shall not discriminate on the basis of the ownership, including ownership by the City, of any property, structure, or Tower when promulgating rules or procedures for siting wireless facilities or for evaluating Applications.

P. Open Records

All records, documents, and electronic data in the possession or custody of City of Muscatine personnel are subject to and disclosure of such records shall be consistent with Iowa Code Chapter 22.

Q. Remedies

Applicants and the City of Muscatine may bring claims related to this ordinance to any court of competent jurisdiction.

10-30-4 Application Review for Applications Identified As Eligible Facilities Requests

A. Application for Eligible Facilities Requests

For those Applications identified by Applicant and determined by the City of Muscatine to be an Eligible Facilities Request, the Application shall be limited to the information necessary for the City to consider whether an Application is an Eligible Facilities Request. The Application may not require the Applicant to demonstrate a need or business case for the proposed modification.

B. Type of Review

Upon receipt of an Application for an Eligible Facilities Request pursuant to this Chapter, Community Development Department shall review such Application to determine whether the Application so qualifies.

C. Timeframe for Review

Within 60 days of the date on which an Applicant submits an Application seeking approval under this Chapter, the City of Muscatine shall approve the Application unless it determines that the Application is not covered by this Chapter.

D. Tolling of the Timeframe for Review

The 60-day review period begins to run when the Application is filed, and may be tolled only by mutual agreement by the City of Muscatine and the Applicant, or in cases where the Community Development Department determines that the Application is incomplete. The timeframe for review is not tolled by a moratorium on the review of Applications.

1. To toll the timeframe for incompleteness, the City of Muscatine must provide written notice to the Applicant within 30 days of receipt of the Application, specifically delineating all missing documents or information required in the Application.
2. The timeframe for review begins running again when the Applicant makes a supplemental submission in response to the City's notice of incompleteness.
3. Following a supplemental submission, the City of Muscatine will notify the Applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (D) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

E. Interaction with Section 332(c)(7) of the United States Federal Code

If the City of Muscatine determines that the Applicant's request is not an Eligible Facilities Request, the City shall notify Applicant in writing and include the type of Application the City determines is applicable and the basis for its determination. The timeframes under Sections 10-30-5 and 10-30-6 will begin to run from the issuance of the City of Muscatine's decision that the Application is not an Eligible Facilities Request. To the extent such information is necessary, the City of Muscatine may request additional information from the Applicant to evaluate the Application under Sections 10-30-5 and 10-30-6, pursuant to the limitations applicable to said Sections

F. Failure to Act

In the event the City of Muscatine fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the Applicant notifies the Community Development Department in writing after the review period has expired (accounting for any tolling) that the Application has been deemed granted.

10-30-5 Application Review for Applications Identified For New Tower Construction

A. Application

For those Applications identified by Applicant and determined by the City of Muscatine to construct a new Tower, the Applicant shall submit the necessary copies and attachments of the Application to the Community Development Department and comply with applicable City ordinances concerning land use and the appropriate permitting processes.

B. Additional Information for Residential Districts

The City of Muscatine may request propagation maps solely for the purpose of identifying the location of the coverage or capacity gap or need for Applications for new Towers in any Residential District.

C. Explanation for Proposed Location

Notwithstanding paragraph 10-30-3(E) of this ordinance, the City of Muscatine may require an Applicant to provide an explanation regarding the reason for choosing the proposed location for construction of a new Tower and the reason the Applicant did not choose Collocation. The explanation shall include a sworn statement from an individual who has responsibility over placement of the Tower attesting that Collocation within the area determined by the Applicant to meet the Applicant's radio frequency engineering requirements for the placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the Applicant.

D. Review Process

Applications seeking approval of a new communication tower require a conditional use permit pursuant to 10-30-9 and must comply with the new tower regulations set forth in section 10-30-10.

E. Timeframe for Review

Within 150 days of the date on which an Applicant submits an Application seeking approval to construct a new Tower, the City of Muscatine shall approve or deny the Application unless, another date is specified in a written agreement between the City and the Applicant.

F. Tolling of the Timeframe for Review

The 150-day review period begins to run when the Application is filed, and may be tolled only by mutual agreement by the City of Muscatine and the Applicant, or in cases where the Community Development Department determines that the Application is incomplete. The Community Development Department shall review the Application for conformity with applicable local zoning regulations, building permit requirements, and consistency with this chapter. The timeframe for review is not tolled by a moratorium on the review of Applications.

1. To toll the timeframe for incompleteness, the City of Muscatine must provide written notice to the Applicant within 30 days of receipt of the Application, specifically delineating all missing documents or information required in the Application and the City's timeframe to review is tolled beginning the date the notice is sent.
2. The City of Muscatine's timeframe of 150 days for review begins running again when the Applicant makes a supplemental submission in response to the City's notice of incompleteness.
3. The City of Muscatine's 150-day timeframe for review does not toll if the City requests information regarding any of the considerations the City may not consider as described in Section 10-30-3(F).
4. Following a supplemental submission, the City of Muscatine will notify the Applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph this chapter. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
5. The City of Muscatine shall make its final decision to approve or disapprove the Application in writing within the timeframe.

G. Failure to Act

In the event the City of Muscatine fails to approve or deny a request seeking approval under this Section 10-30-6 within the timeframe for review (accounting for any tolling), the request shall be deemed granted.

10-30-6 Application Review for Applications Identified for the Initial Placement or Installation of Transmission Equipment on Wireless Support Structures, Modification of an Existing Tower or Existing Base Station That Constitutes a Substantial Change, or Other Requests for Construction or Placement of Transmission Equipment That Do Not Constitute Eligible Facilities Requests

A. Application

For those Applications identified by Applicant and determined by the City of Muscatine to be for the Initial Placement or Installation of Transmission Equipment on Wireless Support Structures, modification of an existing Tower or existing Base Station that constitutes a Substantial Change, or other requests for construction or placement of Transmission Equipment that do not constitute an Eligible Facilities Request, the Applicant shall submit the necessary copies and attachments of the Application to the Community Development Department and comply with applicable local ordinances concerning land use or regulations concerning land use and zoning and the appropriate local permitting processes.

1. Applications for the Initial Placement or Installation of Transmission Equipment on Existing Wireless Support Structures shall be allowed as a permitted use in any zoning district, subject to the following:
    - **a.** Transmission equipment may be installed on approved towers subject to all applicable provisions of this Chapter.
    - **b.** Transmission equipment may be mounted on structures, including, but not limited to, buildings, traffic signals, streetlights, water towers, billboards, telephone and emergency signal poles, bridges, and parking deck structures, in any zoning district; however, no transmission equipment may occupy, encroach, or overhang any public right of way without express approval of the City Council.
    - **c.** Each transmission equipment and/or base station installation shall require a separate building permit.
2. Applications for modification of an existing Tower or existing Base Station that constitute a Substantial Change, or other requests for construction or placement of Transmission Equipment that do not constitute Eligible Facilities Requests, require a conditional use permit as provided in section 10-30-9 if any of the following are met:

a. If the highest point of the transmission equipment and/or base stations that it is being installed is not more than 25 feet above the highest point of the existing smoke stack, water tower, or other structure.

b. Transmission equipment and/or base stations arrays exceed the maximum height requirement of the zoning district in which they are located

B. Timeframe for Review

Within 90 days of the date on which an Applicant submits an Application seeking approval to construct a new Tower, the City of Muscatine shall approve or deny the Application unless, another date is specified in a written agreement between the City of Muscatine and the Applicant. The Community Development Department shall review the Application for conformity with applicable local zoning regulations, building permit requirements, and consistency with Iowa Code Chapter 8C.

C. Tolling of the Timeframe for Review

The 90-day review period begins to run when the Application is filed, and may be tolled only by mutual agreement by the City of Muscatine and the Applicant, or in cases where the City of Muscatine determines that the Application is incomplete. The City shall review the Application for conformity with applicable local zoning regulations, building permit requirements, and consistency with this chapter. The timeframe for review is not tolled by a moratorium on the review of Applications.

1. To toll the timeframe for incompleteness, the City of Muscatine must provide written notice to the Applicant within 30 days of receipt of the Application, specifically delineating all missing documents or information required in the Application and the City's timeframe to review is tolled beginning the date the notice is sent.

2. The City of Muscatine's timeframe of 90 days for review begins running again when the Applicant makes a supplemental submission in response to City's notice of incompleteness.

3. The City of Muscatine's 90-day timeframe for review does not toll if the City requests information regarding any of the considerations the City may not consider as described in Section 10-30-3(F).

4. Following a supplemental submission, the City of Muscatine will notify the Applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified this Chapter. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

5. The City of Muscatine shall make its final decision to approve or disapprove the Application in writing within the timeframe.

D. Failure to Act

In the event the City of Muscatine fails to approve or deny a request seeking approval under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted.

10-30-7 Proprietary Leasing of City Owned or Controlled Property

A. Leasing of City Owned or Controlled Property

The City of Muscatine reserves all rights to leasing of City owned or controlled property but shall offer the market rate value for use of the property.

B. Lease Term

Leases shall be for no less than twenty years, but all or a portion of the property may be subject to release for public purposes after fifteen years.

C. Appraisal Process for Market Value Determination

If the City and Applicant cannot agree on the market rate for a lease on real property or structures owned by the City, the City shall follow the process in Iowa Code 8C.6.

10-30-8 Utility Poles

Notwithstanding any provision to the contrary, the City of Muscatine shall not mandate, require, or regulate the installation, location, or use of Transmission Equipment on a Utility Pole.

10-30-9 Conditional Use Permits

Applicants seeking approval of a new communication tower, installation of transmission equipment on wireless support structures, modification of an existing tower or existing base station that constitutes a substantial change, or other requests for construction or placement of transmission equipment that do not constitute eligible facilities requests, which require a conditional use permit as provided in this Chapter, must submit an application which includes the following:

A. Qualification as an applicant and statement of compliance. A copy of the FCC license for the wireless communication facility and a signed statement from the owner or operator of said facility attesting that it will comply with FCC regulations.

B. Affidavits showing conformance with all Federal Aviation Administration lighting and marking requirements.

C. A certificate, report or plan stamped by an Iowa licensed, professional engineer that indicates the equipment and tower will be in compliance with applicable building code requirements.

D. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

E. Information necessary to show that all applicable landscaping, screening, and other requirements set forth in section 10-30-10 are to be met.

F. The longitude and latitude of the location of the proposed communication tower specifying the latest North American Datum coordinate system, as well as, site address or location.

G. The mean sea level (MSL) elevation of the site where the proposed communication tower is to be located, as well as, the wireless communication tower height and overall structure elevation.

H. For applicants seeking to install a new communications tower, an explanation regarding the reason for choosing the proposed location and the reason the applicant did not choose collocation. The explanation shall include a sworn statement from an individual who has responsibility over placement of the tower attesting that collocation within the area determined by the applicant to meet the applicant's radio frequency engineering requirements for the placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the applicant.

10-30-10 New Tower Regulations

All new communication towers that did not exist at the time of the application shall comply with, and are subject to, all the following regulations.

A. Collocation

New communication towers must demonstrate compliance with the following standards in this section.

1. A tower must be designed and constructed to accommodate collocation of additional communication antennas or providers when technically feasible and not in conflict with the height limitations in this section.
2. New towers with a height greater than 80 feet shall be designed to accommodate both the applicant's antenna and comparable antenna for at least one additional user.

B. Height and Setback Requirements

1. No tower shall exceed a height of 150 feet above grade, without approval by City Council.
2. The height and setback requirement for towers contained within this Chapter, supersede all other height and setback requirements contained within this Title.

3. A tower shall be setback from each lot line at least one foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located. The additional one foot above the zoning district height maximum is in addition to the normal building setback of the zoning district in which the proposed tower is to be located in.
4. A tower shall be set back 300 feet from the nearest residence.

C. Fencing

1. Towers shall be enclosed by a security fence not less than six feet in height, and the communication tower accessory structure shall be constructed in a manner that reasonably prevents unauthorized personnel from climbing the tower.
2. Nothing herein shall prevent security fencing which is necessary to meet other state or federal requirements.

D. Lighting and Markings

Towers shall not be illuminated unless required to conform to FAA or other governmental regulations.

E. Landscaping

1. Support facilities and tower bases shall be landscaped with a buffer of plant materials that effectively screens from view the tower base and any support facilities from adjacent property or street. The plantings installed shall be of a size and species that can achieve a height of six feet and 75% opacity within three growing seasons.
2. In locations where the visual impact of the tower and support facilities would be minimal, the landscape requirement may be reduced or waived by the Site Plan Review Committee.
3. Existing mature tree growth and natural landforms on the property shall be preserved to the maximum extent possible. Natural growth around the property perimeter may be considered a sufficient buffer for a proposed tower and support facilities as determined by the Site Plan Review Committee.

F. Airport

All towers will comply with all applicable regulation contained within Title 10, Chapter 19 Airport District, Federal Aviation Administration Regulations, and all other applicable state and federal regulations.

G. Removal of Abandoned Wireless Communication Facilities

1. Any wireless communication facility that is not operated for a continuous period of twelve months is considered abandoned, and the facility owner shall remove all portions of the facility within 90 days. If the abandoned wireless communication facility is not removed within 90 days, the City of Muscatine may, after 30 days' notice to the wireless communication facility owner, remove it and recover all costs from the facility owner, including all attorney's fees and court costs that may arise while collecting these costs.
2. If the owner of an abandoned wireless communication facility cannot be located or it is no longer in business, the requirements of Subsection 1 are the responsibility of the land-owner on whose property the facility is located.

Title 10 – Zoning

Chapter 31 – Administration

Sections

10-31-1 Conditional Uses
10-31-2 Zoning Board of Adjustment
10-31-3 Enforcement of Zoning Ordinance
10-31-4 Permits
10-31-5 Boundaries of Districts
10-31-6 Interpretations
10-31-7 Amendments of Ordinance

10-31-1 Conditional Uses

A. Application for conditional permits for uses specifically authorized for consideration in the district use regulations shall be filed with the Community Development Director, together with the appropriate application fee**.**

B. Upon the filling on an application for a conditional use, the Community Development Director shall immediately refer the application to the Board of Adjustment for hearing after publication of a public notice as provided by law.

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

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public's health, safety, morals, comfort, or general welfare.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
3. The conditional use will not substantially diminish and impair property values within the neighborhood.
4. The conditional use will be compatible with and will not impede adjoining development and the proposed character of the zoned district where it is to be located.
5. Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.
6. Adequate off-street parking and loading are provided and ingress and egress are so designed as to minimize traffic congestion in the public street.

7. The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and all other applicable regulations provided in Title 10.
8. The Zoning Board of Adjustment shall find that there is a public benefit for the conditional use.

10-31-2 Zoning Board of Adjustment

A. General Provisions

1. As set forth in Title 2, Chapter 9 a Zoning Board of Adjustment for the City of Muscatine, Iowa shall be established.
2. The Board shall organize and adopt rules in accordance with the provisions of City Code and with the Iowa Statutes.
3. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.
4. The chairman, or in his or her absence, the acting chairman, may administer oaths and the Board may compel the attendance of witnesses.
5. All meetings of the Board shall be open to the public and all business of the Board shall be transacted at such meetings.
6. The Director of the Community Development Department shall keep minutes of its proceedings showing the vote of each item in question, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Community Development Department and shall be a public record.

B. Appeals to the Board

1. Appeals to the Board may be taken by any person aggrieved.
2. An appeal shall be taken within twenty days after the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof.
3. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
4. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
5. The Board shall fix a reasonable time for the hearing of the appeal, given seven days' notice to the parties in interest by publication of notice of hearing, and

decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney.

6. The appropriate fee as established by resolution in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances, shall be paid to the Community Development Department at the time the notice of appeal is filed, which the Community Development Department shall forthwith pay over to the Clerk to the credit of the General Revenue Fund.

C. Powers of the Zoning Board of Adjustment

1. **To interpret the Ordinance, being:**
   - **a.** To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Community Development Department in the enforcement of this ordinance.
   - **b.** To permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of the passage of this Ordinance.
   - **c.** To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this Title where the street layout on the ground varies from the street layout as shown on the map aforesaid.
2. **To permit the following exceptions:**
   - **a.** Use of premises for public utility.
   - **b.** Reconstruction of a nonconforming building that would otherwise be prohibited by Section 10-19-5 where such action would not constitute continuation of a monopoly.
   - **c.** Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the Comprehensive Plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

d. To permit the following variation, vary the yard regulations where there is an exceptional, unique, or unusual physical condition of a lot, and which condition, when related to the yard regulations of this Title, would prevent a reasonable or sensible arrangement of buildings on the lot.

e. Exceptions. Interpretations, exceptions, and variations involving the Flood Plain or Flood Channel Districts shall be referred to the Iowa Department of Natural Resources.

3. To permit the following two variations:

a. Vary the yard regulations where there is an exceptional, unique, or unusual physical condition of a lot, and which condition, when related to the yard regulations of this Ordinance, would prevent a reasonable or sensible arrangement of buildings on the lot.

b. Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Ordinance, but providing that such a reduction not be more than 50% of the usual requirement.

4. To allow conditional uses pursuant to the provisions of Section 10-31-1 of the City Code.

10-31-3 Enforcement of Zoning Ordinance

A. Duties of Community Development Director

It shall be the duty of the Community Development Director to enforce this Ordinance. He or she shall receive applications required by this Ordinance, issue permits, and furnish the prescribed certificates. He or she shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with. He or she shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use, occupancy, location, and maintenance of buildings and structures, except as may be otherwise provided for. He or she shall, when requested by the City Administrator, or when the interests of the Municipality so require, make investigations in connection with matters referred to in this Ordinance and render written reports on the same. For the purpose of enforcing compliance with law, he or she shall issue such notices or orders as may be necessary.

B. Records

The Community Development Director shall keep careful and comprehensive records of minutes, of applications or permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He or she shall retain on file copies of all records in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to

public inspection at reasonable hours, but shall not be removed from the Community Development Department.

C. Cooperation of Other Officials

The Community Development Director may request and shall receive, so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of the Engineer in fixing grades, of the Chief of Police in enforcing orders, of the Attorney in prosecuting violations, and of other officials.

10-31-4 Permits

A. When Required

It shall not be lawful to construct, alter, repair, remove, or demolish or to commence the construction, alteration, removal, or demolition of a building or structure, without first filing with the Community Development Director an application in writing and obtaining a formal permit.

B. Form

1. An application for a permit shall be submitted in such form as the Community Development Director may prescribe.
2. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application.
3. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.
4. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Community Development Director for an intelligent understanding of the proposed work.
5. Such application shall be accompanied by payment of such fees as the City Council may determine from time to time.

C. Plans

Application for permits shall be accompanied by such drawings of the proposed work, including such floor plans, sections, elevations, and structural details as Community Development Director may require.

D. Plat Diagram

There shall also be filed one copy of a plat diagram in a form and size suitable for filing permanently with the permit record, with all dimensions figured, showing accurately the size and exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.

E. Amendments

Nothing in this Section shall prohibit the filing of amendments to an application or to a plan or other record accompanying the same at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

F. Completion of Existing Buildings

Nothing contained in this Ordinance shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this Ordinance; provided, however, construction under such permit or approval shall have been started within six months and the ground story framework, including structural parts of the second floor, shall have been completed within one year and the entire building completed within two years after the effective date of this Ordinance.

G. Action on Application

It shall be the duty of the Community Development Director to examine applications for permits within a reasonable time after filing. If, after examination, he or she finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he or she shall approve such application and issue a permit for the proposed work as soon as practicable. If his or her examination reveals otherwise, he or she will reject such application noting his or her finding in a report to be attached to the application and delivering a copy to the applicant.

H. Approval in Part

Nothing in this Section shall be construed to prevent the Community Development Director from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this Ordinance.

I. Condition of the Permit

1. All work performed under a permit issued by Community Development Director shall conform to the approved application and plans and approved amendments thereof.
2. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a

plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

J. Signature to Permit

Every permit issued by the Community Development Director under the provisions of this Ordinance shall have his or her signature affixed thereto; but this shall not prevent him or her from authorizing a subordinate to affix such signature.

K. Limitation

A permit under which no work is commenced within one year after issuance shall expire by limitation.

L. Posting of Permit

1. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same.
2. The Community Development Director may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.
3. The Community Development Director shall be given at least tweleve hours' notice of the starting of work under a permit.

M. Revocation

The Community Development Director may revoke a permit or approval issued under the provisions of this Ordinance in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

N. Certificate of Occupancy for a Building

1. No building shall be occupied before a Certificate of Occupancy has been issued.
2. A Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said Certificate shall be issued with three days after the request for the same shall have been made in writing to the Community Development Director after the erection or alteration of such building or part thereof shall have been completed, and in the case of new subdivisions, when all public improvements, including sewers, streets, and utilities, have been accepted in accordance with the provisions of this City Code.

3. Pending the issuance of a regular Certificate, a temporary Certificate of Occupancy may be issued by the Community Development Director for a period not exceeding one year during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary Certificate shall not be construed as in any way altering the respective rights, duties, or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by this Ordinance, and such temporary Certificate shall not be issued, except under such restrictions and provisions as will adequately insure the safety of the occupants.

4. The process of issuing this Certificate of Occupancy shall be considered the minimum enforcement requirement for the protection of the public health, safety, and welfare of the residents of the City of Muscatine. However, if in the case of a new subdivision, all public improvements are not acceptable prior to request for a regular Certificate of Occupancy, the subdivider or their agent may request a waiver from the City Council of this provision. The developer or his agent must clearly demonstrate that due to peculiar conditions pertaining to their subdivision, the literal enforcement of one or more steps of this process is impractical or will exact undue hardship. The City Council may waive the requirement for completion of the public improvements prior to issuance of a regular Certificate of Occupancy for a reasonable period of time until the deficiency is corrected by the subdivider or their agent. In allowing a waiver due to a specific situation, the City Council shall not release the performance bond and also shall notify the bonding company of the deficiency and a reasonable period of time for correction to the satisfaction of the City Council. (Any action taken by the City Council under the terms of this process shall give primary consideration to the welfare of the entire community.)

O. Content of Certificate of Occupancy. A Certificate of Occupancy shall state that the building or proposed use of the building complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the Office of the Community Development Director and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. (Note Subdivision Regulations, Title 11)

P. Certificate of Occupancy. No Certificate of Occupancy for any building shall be issued before application has been made for a Building Permit.

10-31-5 Boundaries of Districts

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

A. The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map accompanying and made a part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts, unless the boundaries are otherwise indicated on the Map.

C. In unsubdivided property, the district boundary lines on the Map accompanying and made a part of this Ordinance shall be determined by use of the scale appearing on the Map.

10-31-6 Interpretations

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

10-31-6 Amendments of Ordinance

A. The Council may, from time to time, on its own motion or on petition, after public notice and hearing as provided by law and after report by the Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established.

B. In case the Commission disapproves the proposed change or in case of a protest against such change signed by the owners of 20% or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof or directly opposite thereto extending the depth of one lot or not to exceed 200 feet therefrom or 200 feet from the street frontage of opposite lots, such amendment shall not be passed except by the favorable vote of three-fourths of all members of the Council.

C. If no report is received from the Commission in 60 days, it may be assumed that said Commission has approved the amendment.

D. Before any action shall be taken as provided by this Section, the party or parties proposing or recommending a change in the district boundaries or district regulations shall file with the Community Development Director a petition or application accompanied by the appropriate fee as established by resolution in the Schedule of Building-Related Permits and Other Requirements in Appendix D to this Code of Ordinances to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the City Council.

E. Change in Flood Plain or Flood Channel District boundaries shall be referred to the Iowa Department of Natural Resources.

Title 10 – Zoning
Chapter 32 – Definitions

Sections

10-32-1 Definitions

10-32-1 Definitions

For the purpose of this Ordinance, certain terms are hereby defined:

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

Accessory Building:
A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Accessory Use:
A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Agricultural Activity: Agricultural activity, including forests and forest products; harvest and management; dairy farming; livestock grazing and pasturage; truck gardening, the raising of crops, fruit, and nursery stock; fish farms; animal kennels and fur bearing animal farms; the harvesting, processing, packaging, packing, shipping, and selling of products produced on the premises, and incidental farm occupations and uses such as machinery, farm equipment, and domestic repair and construction; excluding commercial feed lots.

Alley:
A public or private thoroughfare which affords only a secondary means of access to abutting property.

Ambient Noise:
The all-encompassing noise associated with a given environment for a specified period of time, usually being a composite of sounds from many sources, near and far.

Amortization:
The established process of eliminating nonconforming uses over a period of time.

Apartment:
See Dwelling Unit.
Assembling:
Combining two (2) or more finished products into a single product.

Automobile Service Station:
Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories; but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, public garages, and the open storage of rental vehicles or trailers.

Basement:
A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purposes of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

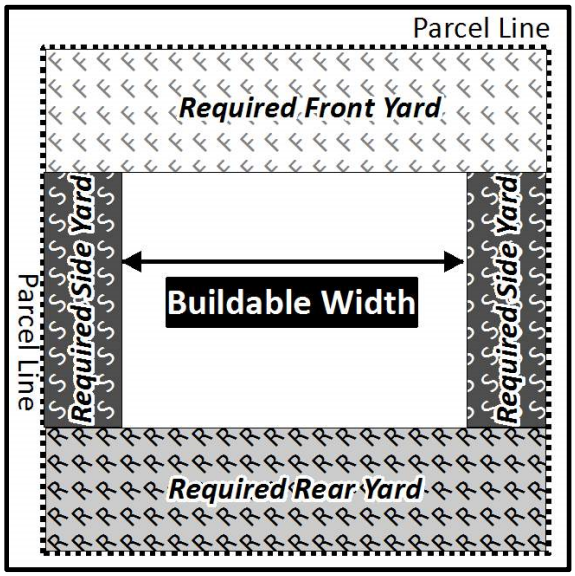
Bed and Breakfast Home:
Means a private residence which provides lodging and meals for guests, in which the owner resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.

Billboard:
Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. (See also Sign Ordinance.)

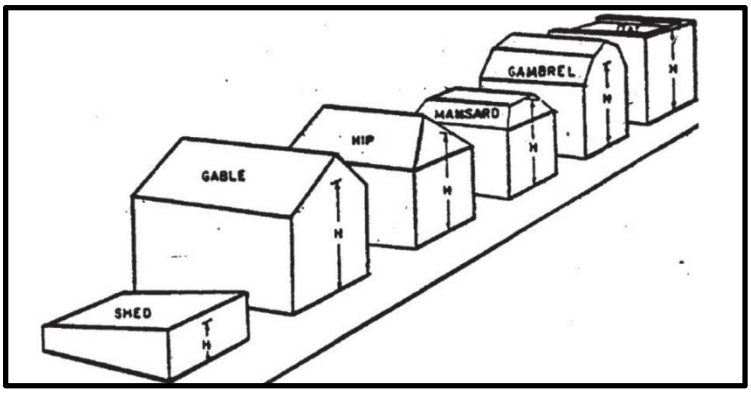
Board:
Means Zoning Board of Adjustment established in Chapter 31.

Buildable Width:
The width of the lot left to be built upon after the side yards are provided.

Building:
Any structure having a roof supported by columns of walls for the shelter or enclosure of persons or property. For the purposes of this definition "roof' shall include awning or other similar covering, whether permanent in nature or not.



Building Height:
The vertical distance from the grade to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points of a shed roof.



Cellar:
That part of a building having more than one-half (½) of its height below the average grade of the adjoining ground.

Cemetery:
Land used or intended (10 acre minimum) to be used for the burial of deceased humans. A marker or memorial is erected at each gravesite for permanent remembrance of the deceased. Other principal uses permitted on land used or intended for use as a cemetery include columbariums and mausoleums; incidental uses include business designed for the benefit, service, convenience or spiritual uplift of cemetery lot owners or persons visiting the cemetery. Accessory uses include utility buildings, maintenance storage areas, chapels and cemetery administration offices. Note. Interior columbariums are permitted ancillary uses within places of worship.

Chapel:
A structure intended for use as a place of worship or nondenominational assembly or visitation.

City:
The City of Muscatine, Iowa.

Club:
Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Columbarium:
A building or structure designed with niches for the location of urns to hold the ashes of cremated persons.

Commercial Feed Lot:
An area of and devoted to raising and feeding of livestock where the operation is not a part of normal agricultural activity.

Commission:
The City Planning and Zoning Commission of Muscatine, Iowa.

Common Land:
Land held and/or used jointly by two (2) or more owners of other land in proximity to it. Usually established by subdivision regulations.

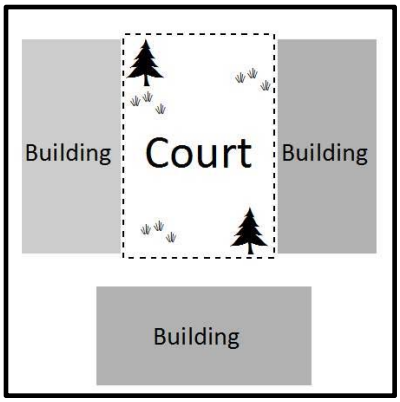
Community Development Director:
The individual designated to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance.

Conditional Use:
The use allowed in a zoning district after a permit is granted by the Board of Adjustment according to the provisions of Section 10-31-1.

Council:
The City Council of Muscatine, Iowa.

Condominium:
A legal form of ownership of real property, usually individual ownership of a dwelling unit in a multi-unit development where some rights are held in common by the residents of that development.

Court:
An open space more than one-half (1/2) surrounded by buildings.



dBA:
A unit of measure of sound intensity as measured on the "A" scale, such scale being that which is audible to the human ear.

Decibel:
A unit of measure in determining sound intensity.

District:
A part of the City wherein regulations of this Ordinance are uniform.

Drive-In Use:
Any establishment designed for the general public to make use from their vehicles of the sales or service provided on the premises.

Duplex:
A building or structure limited to two (2) individual residential units. (See Dwelling Two-Family.)

Dwelling:
Any building or portion thereof which is designated and used exclusively for residential purposes.

Dwelling Single-Family:
A building designed for or occupied exclusively by one (1) family.

Dwelling Two-Family:
A building or structure limited to two (2) individual residential units. (See Duplex.)

Dwelling Multiple:
A building designed for or occupied exclusively by three (3) or more families.

Dwelling Unit:
One (1) or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

Farm:
See Agricultural Activity.

Feedlot:
A tract of land or structure wherein any type of fowl or livestock are maintained in close quarters for the purpose of fattening for final shipment to market.

Fence:
A structure for enclosing or screening.

Flood Channel (Floodway):
The areas shown as "Floodway Areas in Zone AE" as shown on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016, which were prepared as part of the Flood Insurance Study for Muscatine County.

Flood Insurance Rate Map:
The official map prepared as part of (but published separately from) the Flood Insurance Study, a study initiated, funded, and published by the Federal Emergency Management Agency 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, which delineates both the flood hazard areas and the risk premium zones applicable to the community.

Flood Plain:
The areas classified as "Zone AE or Zone A" on the Flood Insurance Rate Map (FIRM) for Muscatine County and Incorporated Areas, City of Muscatine, Panels 19139C0185C, 192C, 225C, dated July 18, 2011; Panels 19139C0169D, 175D, 187D, 188D, 189D, 193D, 281D, 282D, 301D, dated April 16, 2014, and Panels 19139C0179E 183E, 184E, 191E, dated November 4, 2016 which were prepared as part of the Flood Insurance Study for Muscatine County.

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

Floor Area:
The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

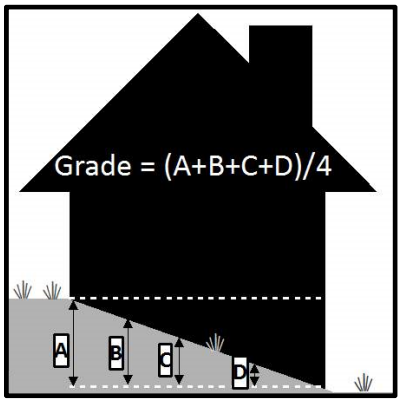
Floor Area Ratio:
The floor area of the building or buildings on any lot divided by the area of the lot.

Garage, Private:
A detached accessory or portion of a main building housing the motor driven vehicles of the occupants of the premises, but not commercial vehicles.

Garage, Public:
A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

Garage, Storage:
Any building or premises used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

Grade:
The average level of the finished surface of the ground adjacent to the exterior walls of the building.



Group Home:
Any premises, privately or publicly sponsored, where board and supervision are given to persons not related by blood or marriage to the owner or primary occupant thereof, for the purpose of social rehabilitation and/or long-term sheltered care.

Historic Site:
A site, building, or structure which has local, state, or national historical significance, as determined by the appropriate authority.

Home Occupation:
Any occupation or profession carried on by a member of the immediate family residing on the premises in connection with which there is used no sign other than a name plate, not more than one (1) square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling or garage; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used, except such as is customarily for purely domestic household purposes, provided that cobbler's work or shoe repair work (including the use of such mechanical equipment as is normally used for such repair) shall be considered a home occupation so long as it meets all the other occupation criteria set forth herein.

Hospital:
An establishment providing physical or mental health service, inpatient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitariums.

Hotel:
A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding house or lodging house as herein defined.

Institution:
A nonprofit establishment for public use.

Junk:
Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

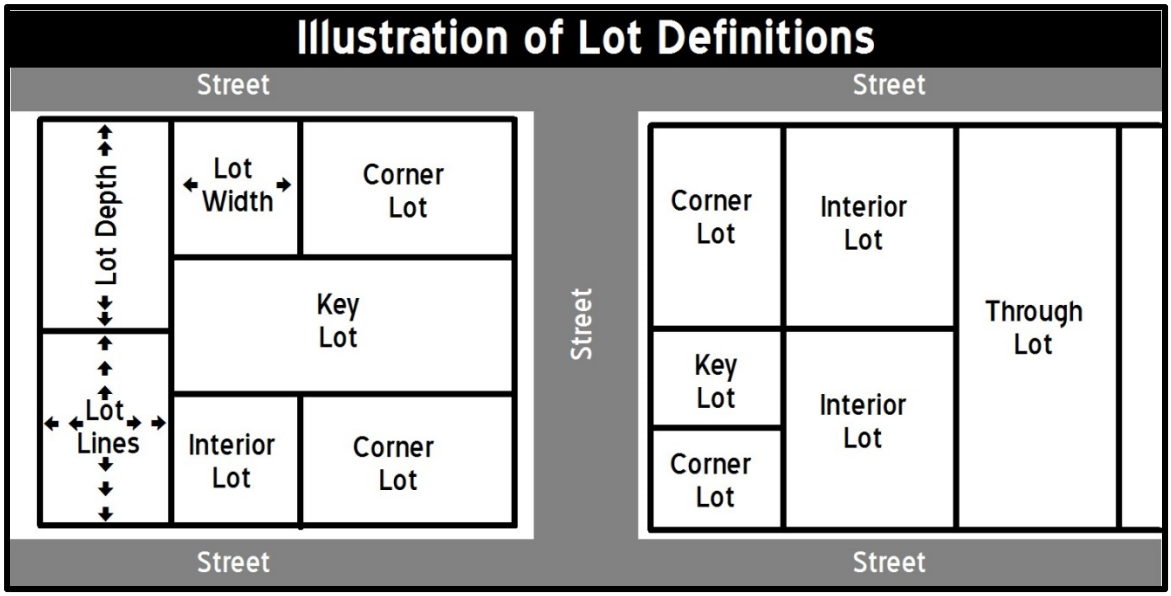
Junk Yard:
The use of land, whether inside or outside a structure, for the keeping or abandonment of junk. (Also see salvage.)

Landscaped Area:
An area that is permanently devoted and maintained to the growing of shrubbery, grass, and other plant material.

Large Scale Retail Development:
A property of twenty (20) acres or more including the main lot and subdivided lot(s), which is used primarily for purposes as defined in Section 10-11-1(A), (B), (F), and (G); and Section 10-11-2(A), (B), (F), (G), (H), and (I). The Large Scale Retail Development can be one or multiple owners for the entire property or any individual subdivided lot.

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

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



Lot, Corner:
A lot abutting upon two (2) or more streets at their intersections.
Lot, Depth:
The mean horizontal distance between the front and rear lot lines.

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

Lot, Interior:
A lot other than a corner lot or double frontage lot.

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

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

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

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

Modular Building:
A prefabricated transportable building manufactured in whole or in part off the site, designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, or sub-elements which are to be incorporated into a structure at the site.

Motel, Motor Court, Motor Lodge, or Tourist Court:
Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.

Nonconforming Use:
The use of any building, structure, or land existing at the time of the enactment of this Ordinance, or any amendments thereto, which does not conform in whole or in part to the provisions of this Ordinance or its amendments.

Noxious Fumes:
Fumes which are in sufficient quantity to be harmful to health.

Nursery School (Child Care):
Any land, building, structure, or premises used for educational instruction and/or supplemental parental care for four (4) or more children, either on an hourly or daily basis, with or without compensation.

Nursing Home:
A home for the aged or infirm in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick and injured.

Office:
The building, room, or series of rooms in which the affairs of a business, profession, or branch of government are conducted.

One Hundred (100 Year) Frequency Flood:
A flood, the magnitude of which has a one 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, as determined by the Flood Insurance Study for Muscatine County, prepared by the Federal Emergency Management Agency.

Open Area:
That part of a lot on which no part of a building or structure extends above the following elevations:

A. Two feet (2') above the highest curb elevation of the street or streets that bound the lot;

B. One foot (1') above the adjacent curb elevation for each one and one-fourth foot (1 1/4') the building or structure is set back from the street lot line, except that no portion of the structure shall exceed twelve feet (12') above the adjacent curb elevation. This provision shall apply to walls or structures that do not extend more than four feet (4') above the adjacent curb elevation.

Parking Area (Lot):
An open area, other than the street, intended and used for the temporary parking of motor vehicles.

Parking Space:
A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile less than nine feet and six inches (9'6”) wide and eighteen feet (18') long, together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

Premises:
A lot, together with all buildings and structures thereon.

Processing:
To prepare a product for sale by either a special treatment or to change it through a series of steps, but not the original manufacture of a component part.

Salvage or Junk Yard:
Any land, building, or other structure used for the storage, collection, processing, or conversion of any worn out, cast off, or discarded metal, paper, glass, or other material which is ready for destruction, or has been collected or stored for salvage or conversion to some use. This includes, but is not limited to, such things as automobiles, machinery, farm implements, household appliances, and construction materials. (Also see Junk Yard.)

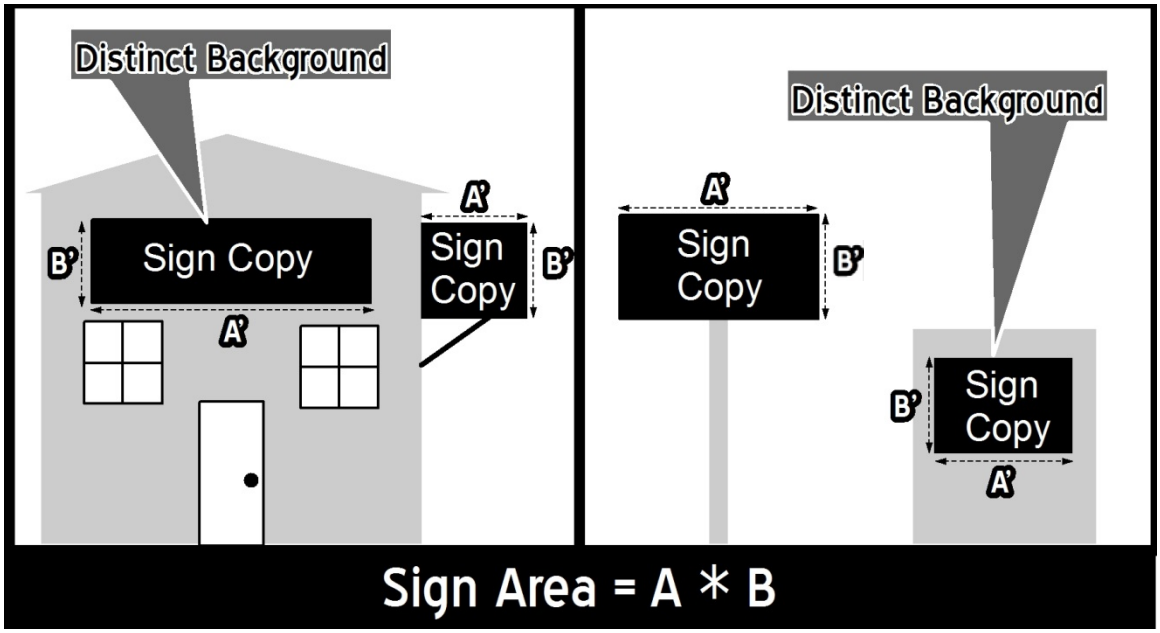
Satellite Receiving Dish:
An apparatus that allows microwaves to reflect back to an antenna, also commonly referred to as an earth station.

Setback:
The distance between any street line and the nearest point to which any building or structure can be erected. All measurements shall be to the outside edge of the ground floor wall nearest the lot line or street line.

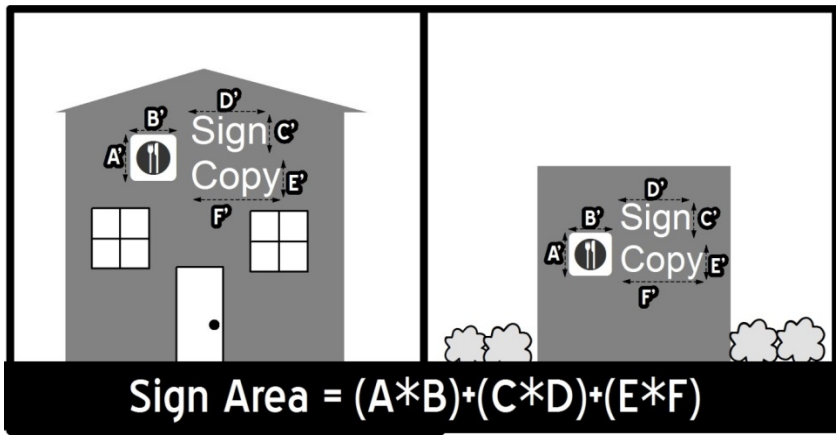
Sign:
A sign is any structure or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization, or business; or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction, or advertisement. For the purpose of this Ordinance, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, or political unit, or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, moment, or event. (See Sign Ordinance.)

Sign, Advertising:
A sign which directs attention to a business or commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises. (See Sign Ordinance.).

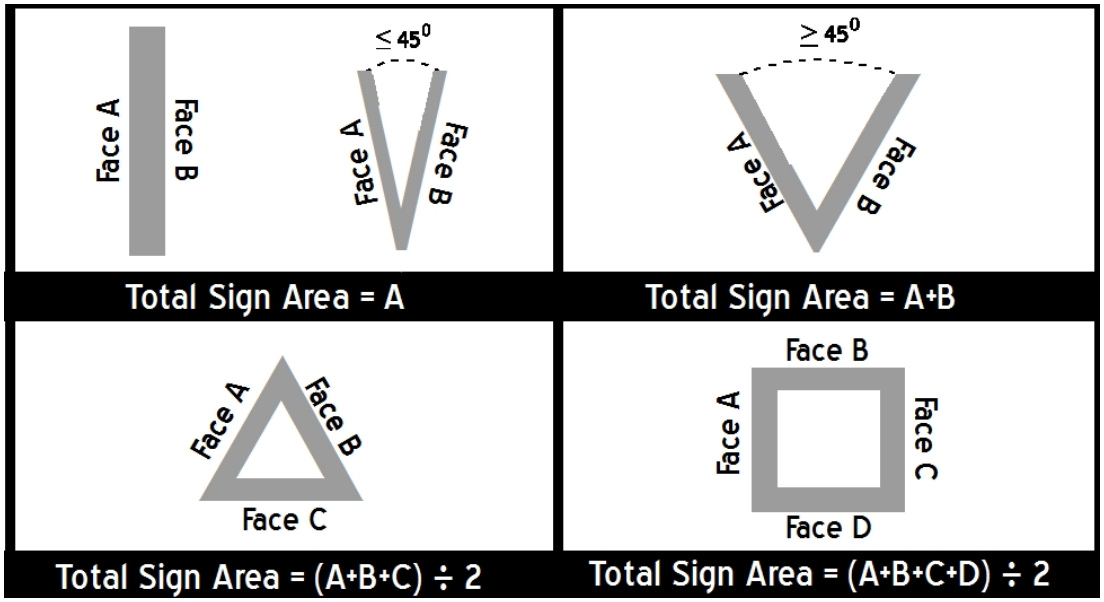
Sign, Area:
Sign area is measured as follows:



A. Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.

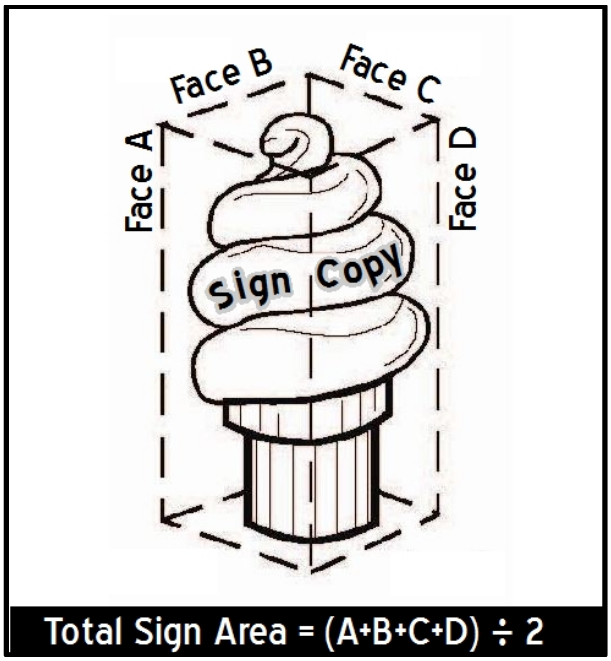


B. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.



C. Two-face signs, are measured as follows if the interior angle between the and two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the any two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.

D. Multi-face signs, signs with three or more faces are measured as follows, the sum of the area of all the faces, divided by two.



E. Spherical, free-form, sculptural or other non-planar sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure.

Sign, Electronic Message Center:
A light emitting diode (LED) sign that is controlled via electronic communication. An electronic message center (EMC) sign has information created on a computer using a software program that allows the user to display static or moving messages consisting of text, graphics, video graphics, and animation, including the use of multiple colors on a contrasting background. Unless otherwise provided herein, EMC's shall not be permitted to change pages or images more frequently than once every two (2) seconds. The use of EMC's shall be restricted to on-site advertising and/or the promotion of not-for-profit communitywide events or activities. Historic Consideration: The use of Electronic Message Center Signs within any Historic District as approved for listing to the National Register of Historic Places by the National Park Service is prohibited.

Sign, Ground:
Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by two (2) or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.

Sign, Marquee:
Any sign affixed to a marquee over the entrance to a building and supported from the building.

Sign, Portable:
A sign, banner, sandwich board, mannequin, or advertising display constructed of cloth, canvas, plastic, blackboard, cardboard, wall board, metal, or other light material as well as any vehicle or trailer, one of the major uses of which is as a fixed or mobile advertising display. Such described signs shall be deemed portable if they are capable of being carried or moved and not affixed in a permanent manner to the ground, a structure, or other supporting device.

Sign, Post:
Any permanent sign supported by one or more uprights or braces in or upon the ground and not attached to any building or wall, but not including a ground sign or billboard.

Sign, Pylon:
A sign which may identify the name of a Large Scale Retail Development (and may also identify the name and services or merchandise of each or any of the retail stores, offices, cinemas and restaurants located in the development), which must be constructed in accordance with the requirements of Section 10-21-7(D).

Sign, Roof:
Any sign erected, constructed, or maintained upon the roof of any building.

Sign, Wall:
Any painted sign or poster on any surface or plane that may be affixed to the front, side, or rear wall of any building.

Solid Waste Transfer Station:
A site with a permanent enclosed structure for receiving solid waste for the purpose of reducing its volume for transport to other destinations. Activities include, but are not limited to, the sorting and compacting of materials, shredding, and the temporary storage of said materials while awaiting transport to a landfill or recycling destination. Ancillary site activities may include the composting of yard waste material.

Standard Shrub:
A standard shrub is any bush or small evergreen tree occupying a space of at least eighteen cubic feet.

Standard Tree:
A standard tree is a tree with a minimum caliber of three inches 0f a variety normally capable of attaining a 25 feet height when the tree is twenty years old.

Street:
A public way at least 60 feet in width which affords the principal means of access to abutting property.

Street Center Line:
The street center line is a line halfway between the street lines.

Street Line:
A dividing line between a lot and a contiguous street.

Structural Alteration:
Any change, except those required by law or ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other Ordinances.

Structure:
Anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs, whether located on a rock, tree, separate structure, or part of another structure.

Tourist Home:
An establishment used for dwelling purpose in which rooms, with or without meals, are offered to transient guests for compensation.

Townhouse:
A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

Yard:
An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front:
A yard across the full width of the lot extending from the front line of the main building to the front line of the lot or to the designated street line in cases where the present property line extends to the center line of the abutting street. On corner lots, the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.

Yard, Rear:
A yard extending the full width of the lot between a principal building and the rear lot line.

Yard, Side:
A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

Yard Width and Depth:
The shortest horizontal distance from a lot line to the main building.