APPENDIX B
ZONING ORDINANCE

A PART OF THE COMPREHENSIVE MASTER PLAN
FOR THE CITY OF BETTENDORF, IOWA

An ordinance to repeal Ordinance 383, known as the "zoning ordinance" of the City of Bettendorf, Iowa, passed and approved July 2, 1957, as amended, and to enact a new zoning ordinance which shall read as follows:

An ordinance establishing a zoning plan for the City of Bettendorf, Iowa, to conserve the value of property and to the end that adequate light, air, convenience of access, and safety from fire and other dangers may be secured; that congestion in the public streets may be lessened or avoided, and that the public health, safety, convenience, comfort and general welfare may be promoted in a manner which recognizes the needs of industry and business in the future growth of the city and which will encourage the development of healthy surroundings for family life in residential neighborhoods; all in accordance with a comprehensive plan designed to assure efficiency and economy in the process of development of the city, and for the purpose of:

A. Classifying, regulating and limiting the height, area, bulk and use of buildings and premises hereafter to be erected;

B. Regulating and determining the area of front, rear and side yards and other open spaces about buildings;

C. Regulating and determining the use, intensity of use of land and lot areas;

D. Classifying, regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses;

E. Dividing the city into districts of such kind, character, number, shape and areas as may be deemed necessary to carry out the purposes of this ordinance;

And furthermore providing for its administration and for penalties for the violation of its provisions; creating a board of adjustment and providing for review of the decision of such board by the court.

Be it ordained by the city council of the City of Bettendorf, Iowa:

SECTION 1. SHORT TITLE

This ordinance, and ordinances supplemental or amendatory thereto, shall be known, and may be cited hereafter as the "Zoning Ordinance of Bettendorf, Iowa-1959."

SECTION 2. INTERPRETATION

In interpreting and applying the provisions of this ordinance, they shall be held to be the
minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The Bettendorf City Planning and Zoning Commission has given consideration to the future probable use of land in the territory affected by this ordinance, and has prepared a comprehensive development plan showing the future development of this area which has served as a guide in the preparation of this ordinance.

**SECTION 3. PRIVATE EASEMENTS, COVENANTS OR AGREEMENTS**

It is not intended by this ordinance to interfere with, abrogate or annul any easements, covenants, or other agreements between parties, except that, where this ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family than are required or imposed by such easements, covenants or agreements between parties, the provisions of this ordinance shall control.

*Prior ordinances:* The provisions of this ordinance shall control and supersede the provisions of any ordinances, rules or regulations previously adopted relating to the use of buildings and premises in all matters which are provided for in this ordinance, whether specifically or by implication, except for prior ordinances which specify a particular dimension for a front yard or which authorize the location and construction of a public utility installation, which prior ordinances shall remain in full force and effect.

**SECTION 4. IDENTIFICATION**

Wherever the word "city" appears in this ordinance, it shall be deemed to refer to the City of Bettendorf, Iowa; the word "council" and the words "governmental authority" refer to the common council of the city; the word "commission" refers to the city planning and zoning commission; the word "board" refers to the board of adjustment; the word "district" refers to a section of the city for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established; the words "zone map" refer to a map entitled "Bettendorf, Iowa, Zone Map," dated 1971, and any amendments thereto; the words "official city plan" refer to the comprehensive plan, or any of its parts, for the development of the city, prepared by the commission and adopted in accordance with the planning statutes of the State of Iowa.

**SECTION 5. DEFINITIONS**

For the purpose of this ordinance, certain terms and words used herein shall be interpreted and defined as follows: Words in the present tense include the future and vice versa; the words in the singular number include the plural number and vice versa; the word "building" includes the word "structure" and vice versa; the word "shall" is mandatory and not directory.

*Accessory building and use:* A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises; and public utility communication, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, and incidental equipment, public telephone booths, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths, swimming pools, fences, walls, hedges, trees, shrubs,
plant materials, and structures of a like nature.

*Alley:* A permanent public service way providing a secondary means of access to abutting lands.

*Basement:* A story partly underground, but having less than one-half (1/2) of its clear height below, which unless subdivided into rooms and used for tenant purposes, shall not be included as a story for the purpose of height measurement.

*Bed and breakfast home:* A private residence having some historical or architectural significance which provides lodging and meals for guests, in which the host or hostess resides, and in which no more than two (2) guest families 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. The bed and breakfast home shall be conducted as a home occupation by the owner who shall occupy and manage the facility. Toilet and lavatory facilities shall be provided for exclusive use by the guests.

*Bed and breakfast hotel:* A hotel or motel with ten (10) to nineteen (19) guest rooms which is of some historical or architectural significance, is occupied and managed by the owner, and provides separate toilet and lavatory facilities for the occupant and every three (3) guest rooms. On-premises identification signage shall be limited to one building sign up to nine (9) square feet in area and either nonilluminated or "flood" lit.

*Bed and breakfast inn:* A hotel which has three (3) to nine (9) guest rooms, is of some historical or architectural significance, is occupied and managed by the owner, employs only the owner and his/her family and one additional person, and which provides separate toilet and lavatory facilities for the occupant and every three (3) guest rooms. On-premises identification signage shall be limited to one building sign up to four (4) square feet in area and either nonilluminated or "flood" lit.

*Block:* Property having frontage on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.

*Boarding house:* A building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over thirty (30) persons regularly; a lodging house.

*Building:* A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.

*Building, detached:* A building having no structural connection with another building.

*Building, front line of:* The line of the face of the building nearest the front lot line.

*Building, height of:* The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
**Building, principal:** A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

**Building area:** The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.

**Building line; building setback line:** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

**Building permit:** A permit signed by the building inspector stating that a proposed improvement complies with the provisions of this ordinance and such other ordinances as may be applicable.

**Business:** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

**Camp, public:** Any area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents or other camping outfits.

**Cemetery:** Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Certificate of occupancy:** A certificate signed by the building inspector stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this ordinance.

**Child day care:** The care, supervision, or guidance of a child by a person other than the parent, guardian, relative or custodian for periods of two (2) hours or more and less than twenty-four (24) hours per day per child on a regular basis in a place other than the child's home, but does not include:

(a) An instructional program administered by a public or nonpublic school system;

(b) A church related instructional program of not more than one day per week;

(c) Short-term classes held between school terms.

**Child care center:** A facility providing child day care for seven (7) or more children.

**Preschool:** A child day care facility which provides to children ages three (3) through five (5), for periods of time not exceeding three (3) hours per day, programs designed to help the children to develop intellectual skills, social skills and motor skills, and to extend their interest and understanding of the world about them.
Licensed center: A center issued a full or provisional license by the department under the provisions of Chapter 237A of the 1981 State Code of Iowa. (Any facility providing child day care to seven (7) or more children is required to be a licensed center by state mandate.)

City planner: The individual appointed by the mayor, by and with the consent of the city council, to function, when authorized by ordinance or by the mayor, in the administrative review of specific planning and zoning applications.

Clinic or medical health center: An establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians or dentists, and their professional associates.

Common open space: Land unoccupied by structures, buildings, streets, rights-of-way and automobile parking lots and designed and intended for the use or enjoyment of residents of a planned development. Common open space may contain structures for recreational use. No area within thirty (30) feet of any building or structure except a structure used for recreational use shall be includable as common open space.

Court: An open unoccupied space other than a yard on the same lot with a building, which is totally or partially enclosed by a building or buildings and is completely open to the sky.

Density: The numerical value obtained by dividing the gross area of the tract of land upon which the dwelling units are located by the total dwelling units in a development.

Development plan: A drawing, including a legal or site description of the real estate involved which shows the location and size of the following, both existing and proposed: All buildings, structures and yards; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities and other improvements, such as planting areas.

Drive-up window: A window facility located in either a restaurant, restaurant carryout or restaurant drive-in where consumers can place orders and have food dispensed to them without leaving their car by dealing directly with restaurant personnel located entirely within the building and where the design of said operation is such that upon receiving foodstuffs, the consumers will leave the premises prior to consuming the food.

Dwelling: A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses or tourist homes.

Dwelling, attached (group, row or townhouses): A building containing two (2) or more dwelling units and joined to other dwellings by party wall or walls, originally constructed for said purpose.

Dwelling, detached: A building which is surrounded on all sides by open space on the same lot.

Dwelling, multiple-family: A building containing three (3) or more dwelling units, originally constructed for said purpose; and not including converted dwellings.

Dwelling, semi-detached: A building which is joined to another dwelling by a garage, carport,
recreation structure, or other nonresidential facility.

_Dwelling, single-family:_ A building containing accommodations for and occupied by one family only.

_Dwelling, two-family:_ A building designed exclusively for occupancy by two (2) families living independently from each other.

_Dwelling unit:_ A dwelling or a portion of a dwelling used for one family for cooking, living and sleeping purposes.

_Efficiency unit:_ A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

_Family:_ An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than three (3) persons (excluding servants) not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, but not including sororities, fraternities, or other similar organizations.

_Farm:_ Land, including necessary buildings and structures, not less than forty (40) acres in area, used for the raising of soil crops or the raising of animals as the principal occupation of the residents or users thereof.

_Farm homestead:_ The dwelling occupied by the farm owner, tenant operator or family of a son or daughter of the farm owner or tenant.

_Floor area (for determining floor area ratio):_ The sum of the gross horizontal areas of the several floors of the buildings measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area of a building" shall include the basement floor area when more than one-half (1/2) of the basement height is above the established average grade at the building, enclosed off-street parking space, elevator shafts, and stairwells at each floor, floor space used for mechanical equipment, (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

The "floor area" of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of the height of such structures in feet; ten (10) feet in height shall be deemed to be equal to one floor (if a structure measures more than 5 feet over such floor equivalent, it shall be construed to have an additional floor).

_Floor area ratio:_ The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district, when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot.

_Garage, private:_ A structure, attached to or detached from the principal structure, to accommodate the parking or storage of motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located, the maximum
floor area of which is no more than forty (40) percent of the square footage of improved living area of the principal structure, not including basements, with one 2-car (720 s.f.) garage per dwelling unit permitted as a minimum, regardless of the ratio to the principal structure.

_Garage, public:_ Any building, except those defined herein as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

_Ground floor area:_ The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

_Home occupation:_ Any nondomestic activity, with the exception of a professional office in residence, conducted within a dwelling unit or accessory structure thereto which is secondary and clearly incidental to the use of the dwelling or accessory structure for purely residential purposes and participated in solely by the occupants of the dwelling unit or one additional person not an occupant of the dwelling unit. No home occupation shall be permitted in which there is associated therewith:

(a) Any commodity sold upon the premises except that which is produced thereon.

(b) Any disturbance such as noise, vibration, smoke, dust, odor, heat or glare beyond the confines of the dwelling unit or accessory structure.

(c) Any exterior display, exterior storage of materials, signs (except as otherwise permitted) house calls after 9:00 p.m. or before 8:00 a.m., exterior additions or alterations or other indication from the exterior that the dwelling unit or accessory structure is being used in part for any use other than that of a dwelling or accessory structure for purely residential purposes.

A zoning certificate of approval shall be obtained from the zoning administrator and renewed annually when a determination has been made that the above conditions are met. If in the determination of the zoning administrator, the above conditions are not met or that the home occupation creates a disturbance or becomes a nuisance to the general neighborhood in some other manner, the home occupation shall be terminated.

_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 or lodging house.

_Junk yard:_ Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted; including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

_Kennel:_ Any lot on which four (4) or more dogs, or small animals, at least four (4) months of age are kept.
Land use and zoning plat: A drawing or map made to a measurable scale upon which is presented a description and definition of the way in which the design requirements of the planned development are to be met and intended for recording with the county recorder.

Loading and unloading berths: The off-street area required for the receipt of distribution by vehicles of material or merchandise, which in this ordinance is held to be a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance, paved with a suitable dust preventive or hard surface.

Lot: A parcel, tract or area of land accessible by means of a street or place. It may be a single parcel, separately described in a deed or plat which is recorded in the office of the recorder of Scott County, Iowa, or it may include parts of or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part within the limits of a street shall be included.

Lot area: The area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, corner: A lot at the junction of and abutting two (2) or more intersecting streets and/or places.

Lot coverage: The percentage of the lot area covered by the building area.

Lot, depth of: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

Lot ground level: The average level of the ground at the corners of the exterior walls of a building.

Lot, interior: A lot other than a corner lot, or through lot.

Lot line, front: In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest frontage of the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.

Lot line, rear: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot line, side: Any lot boundary line, not a front lot line or a rear lot line.

Lot of record: A lot which is a part of a subdivision, the plat of which has been legally recorded.

Lot, reversed corner: A corner lot at right angles or approximately right angles to the general pattern of the area, the street side lot line of which is substantially a continuation of the front line of the first lot to the rear. The rear of the corner lot is adjacent to the side of the lot to the rear, whether across an alley or not.

Lot, reversed interior: An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting
even though separated from the interior lot line by an alley.

Lot, through: A lot having frontage on two (2) parallel or approximately parallel streets.

Lot width: The dimension of a lot, measured between side lot lines on the building line.

Manufactured home: A factory-built single-family structure, which is manufactured or constructed under the authority of 42 USC Section 5403 and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device, including wheels and axles, other than for the purpose of moving to a permanent site. For the purpose of these regulations, a manufactured home shall be built after June 15, 1976 and bear a seal certifying that it is in compliance with 42 USC Section 5403. A mobile home is not a manufactured home unless it is located on a foundation which conforms with UBC requirements, has been established as real property and is taxed as a site-built dwelling. A manufactured home, meeting the preceding requirements, shall be considered the same as a site-built single-family detached dwelling.

Mobile home: Any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon streets by either self-propelled or nonself-propelled means which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room in such manner as will permit the occupancy thereof as a dwelling or a sleeping place for one or more persons, which is both used and occupied as a dwelling or sleeping place having no foundation other than wheels, jacks, skirting or other temporary supports.

Mobile home park: An area of land upon which two (2) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

Motel: A building or a detached building, usually not more than one story in height, used as dwelling units containing bedroom, bathroom and closet space, and each unit has convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients and no cooking facilities are offered. The site of the motel has direct and convenient access to an arterial thoroughfare or feeder thoroughfare.

Nonconforming building: A building or structure or portion thereof lawfully existing at the time of adoption of this ordinance or amendment thereto, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

Nonconforming use: A use which lawfully occupies a building or land at the time of adoption of this ordinance, or amendment thereto, and which does not conform with the use regulations of the district in which it is located.

Overlay zone: A zoning district of the Bettendorf zoning ordinance which is combined simultaneously with another zoning classification to give special regulation to designated areas of the city.
Parking area, public: An open area, other than a street or alley designed for use or used for the temporary parking of more than four (4) motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers, paved with a suitable dust preventive or hard surface.

Parking space: A space, other than on a street or alley, designed for use or used for the temporary parking of a motor vehicle, and being not less than nine (9) feet wide and eighteen (18) feet long, exclusive of passageways. However, in the C-6, I-1, I-2 and I-3 Districts, parking spaces may be as narrow as eight and one-half (8 1/2') feet wide provided they are used exclusively for employees, an adequate number of parking spaces not less than nine (9) feet wide are provided for visitors and all others not employed by the business, and adequate access controls are in place to separate the two (2) types of users.

Performance standard: A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings. The more frequently used performance criteria:

Closed cup flash point is the lowest temperature at which a combustible liquid, under prescribed conditions, will give off a flammable vapor which will burn moderately.

Decibel is a unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels."

Earthborne vibrations is the periodic displacement, measured in inches, of earth.

Foot candle is a unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candle power.

Free burning implies a rate of combustion described by a material which burns actively, and easily supports combustion.

Frequency signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

Impact noise is a short-duration sound which is incapable of being accurately measured on a sound level meter.

Impulsive noise is a sound which is no longer than two (2) seconds in duration, followed by no less than a two (2) second rest.

Intense burning implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

Moderate burning implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

Noxious matter is a material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
Octave band is a prescribed interval of sound frequencies which permits classifying sound according to its pitch.

Odor threshold is the lowest concentration of odorous substance in the air that will produce a response in the normal human nose.

Odorous matter is any matter or material that yields an odor which is offensive in any way.

Particulate matter is dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

Ringelmann Chart is one which is described in the U.S. Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

Slow burning or incombustible implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes to a temperature of twelve hundred (1,200) degrees Fahrenheit shall be designated "incombustible."

Smoke is small gas borne particles other than water that form a visible plume in the air.

Sound level of an operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

Toxic matter are those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Person: A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

Place: An open, unoccupied, officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

Planned unit development: A tract of land which is developed as a unit under single ownership or unified control, which includes two (2) or more principal buildings or uses, and is processed under the planned development procedure of this ordinance.

Plat: A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

Private school: Private pre-primary, primary, grade, high or preparatory school or academy.

Professional office: Office of a member or members of a recognized profession as defined by the United States Bureau of the Census, 1960, Census of Population Report and including also realtor, insurance agency, general contractor, food broker office, city planner and manufacturers representative.

(Re. definition of "professional" from census bureau (from memorandum dated February 11, 1961.))
The following is an explicit definition of the occupational classification of "professional" as defined by the bureau of the budget. It appeared in a government publication with the following description:

1960 Census of Population, alphabetical index of occupations in industries, prepared under the supervision of Howard G. Brunsman, Chief, Population Division, United States Department of Commerce; Frederick H. Mueller, Secretary, Bureau of the Census; Robert W. Burgess, Director, Washington, 1960.

OCCUPATIONAL CLASSIFICATION

*Professional, technical, and kindred workers.*

000 Accountants and auditors
010 Actors and actresses
012 Airplane pilots and navigators
013 Architects
014 Artists and art teachers
015 Athletes
020 Authors
021 Chemists
022 Chiropractors
023 Clergymen

*College presidents, professors, instructors, (n.e.c.)*

030 College presidents and deans
031 Professors and instructors, agricultural sciences
032 Professors and instructors, biological sciences
034 Professors and instructors, chemistry
035 Professors and instructors, economics
040 Professors and instructors, engineering
041 Professors and instructors, geology and geophysics
042 Professors and instructors, mathematics
043 Professors and instructors, medical sciences
045 Professors and instructors, physics
050 Professors and instructors, psychology
051 Professors and instructors, statistics
052 Professors and instructors, natural sciences (n.e.c.)
053 Professors and instructors, social sciences (n.e.c.)
054 Professors and instructors, nonscientific subjects
060 Professors and instructors, subject not specified
070 Dancers and dancing teachers
071 Dentists
072 Designers
073 Dieticians and nutritionists

College presidents, professors, instructors, (n.e.c.) (cont.) .

074 Draftsmen
075 Editors and reporters
080 Engineers, aeronautical
081 Engineers, chemical
082 Engineers, civil
083 Engineers, electrical
084 Engineers, industrial
085 Engineers, mechanical
090 Engineers, metallurgical and metallurgists
091 Engineers, mining
092 Engineers, sales
093  Engineers, (n.e.c.)
101  Entertainers, (n.e.c.)
102  Farm and home management advisors
103  Foresters and conservationists
104  Funeral directors and embalmers
105  Lawyers and judges
111  Librarians
120  Musicians and music teachers

Natural scientists (n.e.c.).

130  Agricultural scientists
131  Biological scientists
134  Geologists and geophysicists
135  Mathematicians
140  Physicists
145  Miscellaneous natural scientists
150  Nurses, professional
151  Nurses, student professional
152  Optometrists
153  Osteopaths
154  Personnel and labor relations workers
160  Pharmacists
161  Photographers
162  Physicians and surgeons
163  Public relations men and publicity writers
164  Radio operators
165  Recreational group workers
170  Religious workers
171  Social and welfare workers, except group social scientists.
172  Economists
173  Psychologists
174  Statisticians and actuaries
175  Miscellaneous social scientists
180  Sports instructors and officials
181  Surveyors
182  Teachers, elementary schools
183  Teachers, secondary schools
184  Teachers, (n.e.c.)
185  Technicians, medical and dental
190  Technicians, electricians and electronic
191  Technicians, other engineering and physical sciences
192  Technicians, (n.e.c.)
193  Therapists and healers
194  Veterinarians
195  Professional, technical, and kindred workers (n.e.c.)

Professional office center: An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and which shall conform to the standards and requirements of this ordinance.

Professional office in residence: An office in the dwelling of a member of a recognized profession, as defined by the 1970 United States Bureau of the Census, Census of Population
Report, provided that the professional service is performed by a member or members of the family occupying such dwelling and one person not a resident of the premises in rendering such service, and provided further that not more than twenty-five (25) percent of the gross floor area is devoted to such use and provided also that no sign, other than a nameplate attached to the building not exceeding two (2) square feet in area, is displayed.

Recreational vehicle: A general term for a vehicular unit bearing current license and/or registration, not exceeding thirty-six (36) feet in overall length, eight (8) feet in width or twelve (12) feet in overall height, which includes but is not limited to the following specific vehicle types:

(a) Camper trailer: A folding or collapsible vehicular structure without its own [motive] power designed as temporary living quarters for travel, camping, recreation and vacation uses; and [to] be licensed and registered for highway use.

(b) Travel trailer: A rigid structure without its own motive power designed as a temporary dwelling for travel, camping, recreation and vacation use; to be licensed and registered for highway use; and which, when equipped for the road, has a body width of not more than eight (8) feet, six (6) inches.

(c) Truck camper: A portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which, in combination with the carrying vehicle [shall] be licensed and registered for highway use.

(d) Motor home: A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for travel, camping, recreation and vacation use; and to be licensed and registered for highway use. This category shall include converted bus campers.

(e) Boat trailer: A vehicular structure without its own motive power designed to transport a boat for recreation and vacation use and which is licensed and registered for highway use.

(f) Horse trailer: A vehicular structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, is licensed and registered for highway use.

(g) Utility trailer: A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods or materials and licensed and registered for highway use.

(h) Recreational boat: A vessel, whether impelled by wind oars or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel when mounted upon a boat trailer shall be considered one unit.

If the recreational vehicle is equipped with liquefied gas containers, they shall meet the standards of the interstate commerce commission or the federal department of transportation standards in existence at the passage of this ordinance.
Restaurant: A business where the dispensing and consumption at indoor tables of edible foodstuff and/or beverages is the principal business operation but not including a bar, cocktail lounge or tavern. Incidental carryout services are allowed, but shall not include fast food or precooked food operations or drive up windows except where authorized by the board of adjustment as a special use permit.

Restaurant, carryout: A business whose principal operation is dispensing of foodstuff and beverages, not including a bar, cocktail lounge or tavern, when the food is regularly or can customarily be packaged for transporting the beverage or foodstuff off the premises from where the food was purchased.

Restaurant, drive in: A business whose principal operation is dispensing of edible foodstuff, and/or beverages for consumption and outside service to automobiles by employed personnel.

Retail: The selling of products to a person or business for its use. A business which derives fifty (50) percent or more of its revenues from the sale of products or services to the end user is a retail business.

Shopping center: A complex of retail or office establishments which are serviced by common parking and driveway facilities and are in a complex of at least three (3) commercial establishments on the same property or adjacent properties.

Sign: Any advertising sign, billboard or board, device or structure, or part thereof, or device attached thereto or painted or represented thereon, for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purpose of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

Special use: A specific use of land or buildings, or both, described and permitted herein, subject to special provisions and which because of its unique characteristics cannot be properly classified as a permitted use.

Street: A right of way or thoroughfare, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

Structural alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

Thoroughfare, arterial: Any street, road or highway, existing or proposed, classified as such in the thoroughfare plan which is a part of the official city plan.

Thoroughfare, feeder: Any street, road or highway, existing or proposed, classified as such in the thoroughfare plan which is a part of the official city plan.

Thoroughfare, residential: Any street, existing or proposed, classified as such in the
thoroughfare plan which is a part of the official city plan.

*Tourist home:* A building in which one but not more than five (5) guestrooms are used to provide or offer overnight accommodations to transient guests for compensation.

*Trade or business school:* Secretarial, business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing, drafting or for teaching industrial or technical arts.

*Underlying zone:* One of the eighteen (18) regular zoning classifications listed in section 6 of the zoning ordinance which provides basic guidelines for an overlay district which may alter in some manner the guidelines of the regular zoning classification.

*Unified control:* The combination of two (2) or more tracts of land wherein each owner has agreed that his tract of land shall be developed as part of a planned unit development and shall be subject to the control applicable to the planned development.

*Use:* The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

*Use, nonconforming:* An existing use of land or building which fails to comply with the use set forth in this ordinance applicable to the district in which such use is located.

*Variance:* A modification of the specific requirements of this ordinance granted by the board in accordance with the terms of this ordinance.

*Vision clearance on corner lots:* A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and one-half (31/2) feet and twelve (12) feet above grade established on the lot corner, determined by a diagonal line connecting two (2) points measured thirty-five (35) feet equidistant from the street corner.

*Warehouse or warehousing:* A business or location which accepts and stores personal property of another for a fee. "Self-storage" or "U-store it" type rentals are not included in the definition of warehouse for the purposes of this chapter.

*Wholesale:* The selling of products to a person or business which intends to resell the item at a profit. A business which derives fifty (50) percent or more of its revenues from the sale of products for resale is a wholesale business.

*Yard:* An open space on a lot which shall be unoccupied and unobstructed by structures, except as otherwise permitted, and extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

*Yard, front:* A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar structures, the depth of which is the least distance between the front lot line and the building line.

*Yard, rear:* A yard extending across the full width of the lot between the rear lot line and the
line nearest the rear of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the rear lot line.

**Yard, side:** A yard extending from the front or from the front lot line where no front yard is required, to the rear yard or the rear lot line where no rear yard is required between the side lot line and the line nearest the side of a lot establishing the minimum open space to be provided between the side of the principal building or structure and the side lot line.

**Zoning administrator:** The individual appointed by the mayor, by and with the consent of the city council, to administer and enforce the zoning ordinance in the city of Bettendorf.

**Zoning lot:** A parcel of land of sufficient size to meet the minimum requirements of this ordinance concerning use, coverage, width, area, yards and other open space and having frontage on an improved public street. (Ord. 15-79, 5-15-1979; Ord. 58-79, 12-18-1979; Ord. 11-81, 2-17-1981; Ord. 4-82, 1-19-1982; Ord. 7-86, § 1, 2-18-1986; Ord. 21-90, § 1, 4-17-1990; Ord. 24-91, § 3, 6-4-1991; Ord. 34-91, § 1, 8-6-1991; Ord. 1-94, § 1, 2-1-1994; Ord. 8-99, 5-4-1999; Ord. 18-02, 9-17-2002)

**SECTION 6. ESTABLISHMENT OF DISTRICTS AND ZONE MAP**

(a) The city of Bettendorf is hereby classified and divided into eighteen (18) regular districts and four (4) overlay districts as follows:

- **FD** Overlay flood district
- **A-1** Agricultural district
- **A-2** Rural residence district
- **R-1** Single-family residence district
- **R-2** Single-family residence district
- **R-3** Single-family and two-family residence district
- **R-4** Multi-family residence district
- **R-5** Multi-family residence district
- **PR** Planned residential overlay district
- **C-1** Local shopping district
- **C-2** Community shopping district
- **C-3** General business district
- **C-4** Automotive service district
- **C-5** Office/transitional district
- **C-6** Office and research park district
- **C-7** Public gathering and recreational activity district
- **I-1** Limited industrial district
- **I-2** General industrial district
- **I-3** Heavy industrial district
The overlay flood district may not necessarily be located upon the zone map due to the confusion created but shall be located as specified in appendix C of this code. Developments completed under PUD zoning and under planned residential overlay districts may be designated by zone labels of regular zoning districts preceded by the letter "P". The letter "P" may be used upon individual lots which are developed and controlled by overlay zoning within a larger area having a regular district classification which is the same as the underlying zoning.

The zone map, which accompanies and is hereby declared to be a part of this ordinance, shows the boundaries of and the area covered by the districts; notations, references, indications and other matters shown on the zone map are as much a part of this ordinance as if they were fully described herein. (Ord. 15-79, 5-15-1979; Ord. 11-85, 6-18-1985; Ord. 36-99, 10-19-1999; Ord. 31-02, 11-19-2002)

SECTION 7. DETERMINATION AND INTERPRETATION OF DISTRICT BOUNDARIES

In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the city.

Where uncertainty exists as the exact boundaries of any district, as shown on the zone map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following city limits shall be construed as following city limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections
(b)(1) through (b)(5) of this section shall be so construed. Distances not specifically indicated on the official zone map shall be determined by dimensions shown on the map, or in the absence of dimensions, by the scale of the map.

(7) Where a zoning district boundary line divides a lot in single ownership on the effective date of this ordinance or amendment, the regulations of this ordinance for either portion of such lot may, at the owner's discretion, apply to the entire area of the lot or twenty-five (25) feet beyond the zoning district boundary line, whichever is the lesser distance.

(8) All streets, alleys, public ways, and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways and railroad rights of way. The centerline of a street, alley, public way or railroad right of way, unless otherwise specifically designated, shall be deemed to be the district boundary.

(9) In the case of further uncertainty, the board shall interpret the intent of the zone map as to the location of the boundary in question, and the scale of the zone map may be referred to in this connection.

SECTION 8. PROCEDURE RELATING TO ANNEXED OR VACATED AREAS

(a) Any territory hereafter annexed shall, upon annexation, be automatically classified in the A-1 agricultural district, until such territory is reclassified in a manner provided by law. If within ninety (90) days after annexation, no application for reclassification of the property has been filed, the planning and zoning commission shall after petition to the clerk of the council, schedule a public hearing on the advisability of the zoning classification of the property and thereafter, if needed, make recommendations for the reclassification of the property. The commission shall give consideration to the proposals set forth in the comprehensive plan before making any recommendation.

(b) Whenever any street, alley, public way, railroad right of way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right of way, or similar areas shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended district. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

SECTION 9. USE

No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

SECTION 10. HEIGHT

No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.
SECTION 11. YARD, LOT AREA AND SIZE OF BUILDING

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located.

SECTION 12. RESERVED

SECTION 13. RURAL DISTRICTS

13.0. PURPOSE:

The rural district regulations are intended to govern the large undeveloped or agricultural areas within the community that do not have available urban utilities and services. To accomplish this objective an A-1 agricultural district and an A-2 rural residence district have been established.

It is essential that open areas be maintained for future urbanized development of the community. It is assumed that most agricultural uses in Bettendorf are of an interim nature and will be terminated when the property is ready for urban type development. Properties in this classification will eventually be reclassified to more appropriate urban type zoning districts. (Ord. 4-71, 2-2-1971)

13.1. A-1 AGRICULTURAL DISTRICT:

13.11. Description Of District: The A-1 agricultural district is intended to provide areas in which agriculture and related uses are encouraged as the principal uses of the land. The district encourages the agricultural use of lands which are best suited for that purpose, while also allowing urban and rural uses which are compatible with the agricultural uses and will not prematurely terminate the agricultural uses. The district prohibits residential and urban densities that might cause health problems until they can be serviced by community utilities and facilities. Most newly annexed areas will fall within this district classification. (Ord. 4-71, 2-2-1971; Ord. 15-04, 4-20-2004)

13.12. Uses Permitted: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Agricultural uses, such as, but not limited to:
   (a) Farming, horticulture, forestry, crop and tree farming, truck farming, gardening, dairy farming, stock raising, domestic animal and poultry breeding and raising, together with the operation of any machinery or vehicles incidental to the above uses.
   (b) Greenhouse.
   (c) Nursery.
(d) Research farm.

2. Residential uses:

(a) Farm homestead, occupied by the farm owner or tenant operator, and allowing the family of a son or daughter to reside on the premises.

(b) Mobile home unit, occupied by the farm owner or tenant operator.

3. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:

(a) Reserved.

(b) Reserved.

(c) Essential services, gas regulator station, telephone exchange, electric substation to service the district.

(d) Meeting hall and office for agricultural, horticultural, rural, and public conservation agencies.

(e) Reserved.

(f) Reserved.

(g) Public park.

(h) Recreational area and camp.

(i) Transportation pipeline and utility easement and right of way.

4. Commercial uses:

(a) Reserved.

(b) Reserved.

(c) Riding stable and academy, not nearer than five hundred (500) feet to any zoned residential district or an existing dwelling, other than the dwelling of the owner or lessee of the site.

(d) Sign and billboard. (Ord. 7-89, § 1, 4-4-1989; Ord. 15-04, 4-20-2004)

13.13. Special Uses Permitted: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Airport, public or private, in conformance with the federal aviation agency standards.
3. Animal feed, preparation, grinding, mixing and storage, provided that such facilities are not less than one thousand (1,000) feet from a residential use.


5. Reserved.

6. Reserved.

7. Fertilizer and seed sales, including bulk storage and mixing, provided that such facilities are not less than one thousand (1,000) feet from a residential use.

8. Reserved.

9. Reserved.

10. Marina and boat dock.

11. Mining, the extraction of minerals, sand, gravel, topsoil, and other aggregates, including equipment, buildings and structures for screening, crushing, mixing, washing and storing; provided that:

   (a) No open pit or shaft will be less than two hundred (200) feet from any public road.

   (b) All buildings and structures shall be located not less than two hundred (200) feet from any property line.

   (c) The borders of the property shall be fenced with a solid fence or wall at least six (6) feet in height when the property is adjacent to or across the street from any district other than an industrial district.

   (d) A plan of development of the reclamation of the land shall be provided as part of the application for special use. The plan of development shall be accompanied by a written agreement between the owner or his agent and Bettendorf, and a performance bond in an amount equal to the cost of the reclamation of the land as set forth in the development plan.

12. Reserved.

13. Mobile home units. Two (2) mobile home units may be maintained by a farm owner or operator living on the land and for persons not engaged in agricultural pursuits, provided:

   (a) The mobile home is occupied by a relative standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren, or grandparents of said owner, tenant or spouse.

   (b) The mobile home is located in close proximity to the farmstead occupied by such owner or tenant.
(c) Adequate provision is made for modern running water and sewage facilities.

14. Reserved.

15. Roadside stand for vegetable and produce sale.

16. Radio and television studio, station and transmission tower.

17. Sale barn.

18. Reserved.

19. Reserved.

20. Single-family detached dwelling, when built on a lot of five (5) acres or greater size.

21. Reserved.

22. Dog kennel and veterinary establishment, not nearer than five hundred (500) feet to any zoned residential district or an existing dwelling other than the dwelling of the owner or lessee of the site. (Ord. 4-82, 1-19-1982; Ord. 7-89, § 1, 4-4-1989; Ord. 15-04, 4-20-2004)

13. 14. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit thereof, the following uses may be operated as temporary uses:

1. Ammunition, dynamite and other high explosives. Each such permit shall be valid for a period of not more than six (6) months and is subject to renewal.

2. Bazaar, dance and carnival; provided, however, that each permit shall be valid for a period of not more than seven (7) days; and provided, further, that a period of at least ninety (90) days shall intervene between the termination of one permit and the issuance of another permit for the same location.

3. Christmas tree sales; each such permit shall be valid for a period of not more than sixty (60) days.

4. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one hundred eighty (180) days and may be renewed until the development of the subdivision is ninety (90) percent complete or for ten (10) renewals, whichever comes first, and shall be conditioned upon the good maintenance of the sign.

5. Temporary building, trailer or yard for construction materials and equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building, trailer or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

6. Temporary office, both incidental and necessary for the sale or rental of real property. Each
permit shall specify the location of the office and the area of permitted operation. Each permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.

7. Trailer to be used during the construction of a residence by the trailer owner and not to exceed one year. (Ord. 43-79, 9-4-1979)

13.15. Accessory Uses Permitted: Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership, and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use.

Accessory uses may include, but are not limited to:

1. Garage carport and other parking space for the exclusive use of residents and occupants of the premises.

2. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.

3. Ham operator transmission tower; however, a building permit from the city shall be required.

4. Hardware sales when associated with a greenhouse or nursery.

5. Home occupation.

6. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.

7. Real estate sign, not exceeding twelve (12) square feet for each face and set back from every property line at least ten (10) feet.

8. Roadside stand, for the sale of produce and poultry grown and raised on or in the immediate area of the premises, but not including live animals, and provided that such stand shall contain not more than six hundred (600) square feet of floor area. Such stands, or produce offered for sale shall be located not less than fifty (50) feet from the centerline of the highway, except a temporary roadside stand may be located not less than twenty (20) feet from the nearest edge of pavement provided they shall be placed at such locations only during the harvest season of produce offered for sale and shall contain not more than two hundred (200) square feet of floor area. Each roadside stand shall have facilities, approved by the zoning administrator, for the vehicular ingress and egress, and adequate off-street parking.

9. Roomers and boarders, not to exceed six (6).

10. Swimming pool, exclusively for the use of the residents and their guests, and set back from every property line at least ten (10) feet and not located in the front yard.
11. Parking of recreational vehicles. One recreational vehicle may be parked within the buildable area of the lot. Other recreational vehicles may be parked thereon when stored in an enclosed, permanent structure. (Ord. 21-90, § 2, 4-17-1990)

13.16. **Prohibited Uses:** All uses not expressly authorized in sections 13.12, 13.13, 13.14 and 13.15, including but not limited to:

1. Commercial uses.

2. Fertilizer production.

3. Industrial uses.

4. Mobile home other than in a mobile home park, except as occupied by a farm owner or tenant operator.

5. Multifamily dwelling.


7. Slaughter house.

13.17. **Site And Structure Requirements:**

1. Minimum lot area. A separate ground area of not less than five (5) acres shall be designed, provided, and continuously maintained for each structure or land containing a permitted or special use.

2. Minimum lot width. A minimum lot width of four hundred (400) feet shall be provided for each lot used for a permitted or special use.

3. Front yard. All structures shall be set back at least fifty (50) feet from the front lot line.

4. Side yard. All structures shall be set in from the side lot line a distance of not less than fifty (50) feet.

5. Rear yard. All structures shall be set in a distance of not less than fifty (50) feet from the rear lot line.

6. Maximum height. No principal structure shall exceed two and one-half (21/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one story or fifteen (15) feet in height.

7. Floor area ratio, not to exceed 0.2.

8. Minimum size of dwelling. Each single-family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least one thousand two hundred (1,200) square feet of floor area if one story, or one thousand four hundred (1,400) square feet of floor area if two (2) stories.
9. Mobile home park. The maximum number of mobile homes shall not exceed a density of six (6) mobile homes per acre, and all design standards shall conform to the "Minimum Property Standards for Mobile Home Courts" published by the Federal Housing Administration.

10. Minimum structure width. The minimum dimension (width) of the main body of the residential structure shall not be less than twenty-two (22) feet for at least seventy-five (75) percent of the distance of the major dimension (length). (Ord. 7-86, § 1, 2-18-1986)

13-18. Special Provisions:

1. Parking requirements, in accordance with the applicable regulations set forth in section 19.

2. Sign requirements, in accordance with the applicable regulations set forth in section 18.

3. Farm residences and farm buildings. Farm residences and farm buildings and other farm structures and uses on parcels over forty (40) acres in size shall be exempt from the provisions of this ordinance when used for the agricultural purposes intended. However, the front yard requirements shall be adhered to.

4. Sewer and water. All dwellings erected after the effective date of this amendment to this ordinance shall be served either by a municipal sewer and water system, Private community sewer and water system, or private individual sewerage and water system approved by the Scott County Board of Health.

13.2. A-2 RURAL RESIDENCE DISTRICT:

13.21. Description Of District: This district is intended to provide for single-family residential development on lot sizes adequate to allow individual wells and sewage disposal systems and to create an environment of rural-type homes on larger lots than required in the urban-type residential areas. The permitted uses, lot areas, setbacks and other requirements are designed to encourage a quality residential area in a rural setting. All commercial activities including room renting or other home occupations are prohibited.

13.22. Uses Permitted: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Residential uses:
   (a) Single-family detached dwelling.

2. Public, quasi-public, and governmental buildings and facilities, such as but not limited to:
   (a) Country club.
   (b) Essential services, gas regulator station, telephone exchange, electric substation.
   (c) Parish house and convent, in conjunction with schools.
(d) Public and parochial school.

(e) Public library, in conjunction with schools.

(f) Public park, public playground, public golf courses, and public community center building.

3. Agricultural uses, such as but not limited to:

   (a) Gardening and general farming.

   (b) Nursery, but no retailing.

13.23. **Special Uses Permitted:** The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Churches and other places of worship, provided the property for said use fronts on a primary or secondary thoroughfare so designed in the comprehensive plan.

3. Commercial golf course and accessory driving range.


5. Bed and breakfast inn.

6. Noncommercial ham operator transmission tower provided it meets the following conditions in addition to those listed in section 21.10 and section 23 of this code:

   (a) The tower does not exceed sixty-five (65) feet in height;

   (b) Engineering specifications and certification are submitted indicating that if the tower were to collapse, it would fall completely within the boundaries of the property and not endanger any habitable structures;

   (c) Engineering certification is submitted that the tower was installed as designed and in accordance with the manufacturers specifications;

   (d) The tower and guys are not located within the front yard;

   (e) And a building permit from the city is required. (Ord. 4-82, 1-19-1982; Ord. 34-91, § 2, 8-6-1991; Ord. 10-95, § 4, 2-21-1995)

13.24. **Temporary Permit Uses Permitted:** Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit
shall be valid for a period of not more than one hundred eighty (180) days and may be renewed until the development of the subdivision is ninety (90) percent complete or for ten (10) renewals, whichever comes first, and shall be conditioned upon the good maintenance of the sign.

2. Temporary building, trailer or yard for construction materials and equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

3. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location. (Ord. 43-79, 9-4-1979)

13.25. Accessory Uses Permitted: Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership, and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use, and do not involve the conduct of any business, trade or industry.

Accessory uses may include, but are not limited to:

1. Garage, carport or other parking spaces for the exclusive use of residents or occupants of the premises.

2. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use of personal enjoyment of residents of the premises and not for commercial purposes.

3. Noncommercial ham operator transmission tower provided it meets the following conditions:
   
   (a) The tower does not exceed the allowable height of the principal structure by more than ten (10) feet;
   
   (b) Guyed or free standing towers are setback from all property lines and habitable structures by a distance equal to their height;
   
   (c) Towers attached to the principal structure shall be set back from all property lines a distance equal to the distance the tower extends above the last secure connection to the principal structure;
   
   (d) The tower and the guys are not located within the front yard;
   
   (e) And a building permit from the city is required.

4. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.
5. Real estate sign, not exceeding twelve (12) square feet for each face and set back from every property line at least ten (10) feet.

6. Swimming pool, exclusively for the use of the residents and their guests, and set back from every property line at least ten (10) feet, and not located in the front yard. (Ord. 10-95, § 2, 2-21-1995)

13.26. Prohibited Uses: All uses not expressly authorized in section 13.22, 13.23, 13.24 and 13.25 including but not limited to:

1. Commercial use.

2. Home occupation.

3. Hotels and motels.

4. Industrial use.

5. Mobile home.

6. Multifamily dwelling.

7. Sign and billboard, except as otherwise provided.

13.27. Site And Structure Requirements:

1. Minimum lot area. A separate ground area, of not less than fifteen thousand (15,000) square feet or such additional area to adequately provide for safe sewage disposal and water supply, shall be designated, provided, and continuously maintained for each structure or land containing a permitted or special use.

2. Minimum lot width. A minimum lot width of one hundred (100) feet shall be provided for each lot used for a permitted or special use.

3. Front yard. All structures shall be set back at least forty (40) feet from the front lot line.

4. Side yard. All structures shall be set in from the side lot line with a distance of not less than five (5) feet on the least side, with the sum of the two (2) sides not less than twenty (20) feet.

5. Rear yard. All structures shall be set in a distance of not less than forty (40) feet from the rear lot line.

6. Maximum height. No principal structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one story or fifteen (15) feet in height.

7. Floor area ratio, not to exceed 0.3.
8. Minimum size of dwelling. Each single-family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least one thousand two hundred (1,200) square feet of floor area if one story, or one thousand four hundred (1,400) square feet of floor area if two (2) stories.

9. Minimum structure width. The minimum dimension (width) of the main body of the residential structure shall not be less than twenty-two (22) feet for at least seventy-five (75) percent of the distance of the major dimension (length). (Ord. 7-86, § 1, 2-18-1986)

13.28. Special Provisions:

1. Parking requirements, in accordance with the applicable regulations set forth in section 19.

2. Sign requirements, in accordance with the applicable regulations set forth in section 18.

3. Trucks. No truck of three-quarter (3/4) ton rated capacity or other type commercial vehicular equipment shall be parked or stored on a lot in this district, except when located in a garage or enclosed structure. This provision shall not apply to a bona fide agricultural use.

4. Parking of recreational vehicles. One recreational vehicle may be parked within the buildable area of a lot. Other recreational vehicles may be parked thereon when stored in an enclosed, permanent structure.

5. Tents. Tents shall not be erected, used or maintained on any lot, except such small tents that are customarily used for temporary recreational purposes.

6. Sewer and water. All dwellings erected after the effective date of this amendment to this ordinance shall be served either by a municipal sewer and water system, private community sewer and water system, or private individual sewerage and water system approved by the Scott County Board of Health. (Ord. 21-90, § 3, 4-17-1990)

13.0. PURPOSE:

The rural district regulations are intended to govern the large undeveloped or agricultural areas within the community that do not have available urban utilities and services. To accomplish this objective an A-1 agricultural district and an A-2 rural residence district have been established.

It is essential that open areas be maintained for future urbanized development of the community. It is assumed that most agricultural uses in Bettendorf are of an interim nature and will be terminated when the property is ready for urban-type development. Properties in this classification will eventually be reclassified to more appropriate urban-type zoning districts.

13.1. A-1 AGRICULTURAL DISTRICT:

13.11. Description Of District: The A-1 agricultural district is intended to provide areas in which agriculture and related uses are encouraged as the principal uses of the land. The district encourages the agricultural use of lands which are best suited for that purpose, while also allowing urban and rural uses which are compatible with the agricultural uses and will not prematurely terminate the agricultural uses. The district prohibits residential and urban
densities that might cause health problems until they can be serviced by community utilities and facilities. Most newly annexed areas will fall within this district classification.

13.12. Uses Permitted: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Agricultural uses, such as, but not limited to:
   (a) Farming, horticulture, forestry, crop and tree farming, truck farming, gardening, dairy farming, stock raising, domestic animal and poultry breeding and raising, together with the operation of any machinery or vehicles incidental to the above uses.
   (b) Greenhouse.
   (c) Nursery.
   (d) Research farm.

2. Residential uses:
   (a) Farm homestead, occupied by the farm owner or tenant operator, and allowing the family of a son or daughter to reside on the premises.
   (b) Mobile home unit, occupied by the farm owner or tenant operator.

3. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:
   (a) Church.
   (b) Country club.
   (c) Essential services, gas regulator station, telephone exchange, electric substation to service the district.
   (d) Meeting hall and office for agricultural, horticultural, rural, and public conservation agencies.
   (e) Parish house and convent.
   (f) Public and parochial school.
   (g) Public park, public playground, public golf course, and public community center building.
   (h) Recreational area and camp.
   (i) Transportation pipeline and utility easement and right-of-way.
4. Commercial uses:

(a) Reserved.

(b) Golf course with or without a driving range.

(c) Riding stable and academy, not nearer than five hundred (500) feet to any zoned residential district or an existing dwelling, other than the dwelling of the owner or lessee of the site.

(d) Sign and billboard. (Ord. 7-89, § 1, 4-4-1989)

13.13. Special Uses Permitted: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Airport, public or private, in conformance with the Federal Aviation Agency standards.

3. Animal feed, preparation, grinding, mixing and storage, provided that such facilities are not less than one thousand (1,000) feet from a residential use.


5. Commercial golf driving range.

6. Convalescent and nursing home.

7. Fertilizer and seed sales, including bulk storage and mixing, provided that such facilities are not less than one thousand (1,000) feet from a residential use.

8. Grain storage, when not accessory to the pursuit of agriculture.

9. Hospital, clinic and sanitarium.

10. Marina and boat dock.

11. Mining, the extraction of minerals, sand, gravel, topsoil, and other aggregates, including equipment, buildings and structures for screening, crushing, mixing, washing and storing; provided that:

(a) No open pit or shaft will be less than two hundred (200) feet from any public road.

(b) All buildings and structures shall be located not less than two hundred (200) feet from any property line.

(c) The borders of the property shall be fenced with a solid fence or wall at least six (6) feet in height when the property is adjacent to or across the street from any district other than an industrial district.
(d) A plan of development of the reclamation of the land shall be provided as part of the application for special use. The plan of development shall be accompanied by a written agreement between the owner or his agent and Bettendorf, and a performance bond in an amount equal to the cost of the reclamation of the land as set forth in the development plan.

12. Mobile home park.

13. Mobile home units. Two (2) mobile home units may be maintained by a farm owner or operator living on the land and for persons not engaged in agricultural pursuits, provided:

(a) The mobile home is occupied by a relative standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren, or grandparents of said owner, tenant or spouse.

(b) The mobile home is located in close proximity to the farmstead occupied by such owner or tenant.

(c) Adequate provision is made for modern running water and sewage facilities.

14. Private school and college.

15. Roadside stand for vegetable and produce sale.

16. Radio and television studio, station and transmission tower.

17. Sale barn.

18. Sanitary landfill, public or private, provided that such facilities are not less than one thousand (1,000) feet from a residential use.


22. Dog kennel and veterinary establishment, not nearer than five hundred (500) feet to any zoned residential district or an existing dwelling other than the dwelling of the owner or lessee of the site. (Ord. 4-82, 1-19-1982; Ord. 7-89, § 1, 4-4-1989)

13.14. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit thereof, the following uses may be operated as temporary uses:

1. Ammunition, dynamite and other high explosives. Each such permit shall be valid for a period of not more than six (6) months and is subject to renewal.

2. Bazaar, dance and carnival; provided, however, that each permit shall be valid for a period of not more than seven (7) days; and provided, further, that a period of at least ninety (90)
days shall intervene between the termination of one permit and the issuance of another permit for the same location.

3. Christmas tree sales; each such permit shall be valid for a period of not more than sixty (60) days.

4. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one hundred eighty (180) days and may be renewed until the development of the subdivision is ninety (90) percent complete or for ten (10) renewals, whichever comes first, and shall be conditioned upon the good maintenance of the sign.

5. Temporary building, trailer or yard for construction materials and equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building, trailer or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

6. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.

7. Trailer to be used during the construction of a residence by the trailer owner and not to exceed one year. (Ord. 43-79, 9-4-1979)

13.15. Accessory Uses Permitted: Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership, and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use.

Accessory uses may include, but are not limited to:

1. Garage carport and other parking space for the exclusive use of residents and occupants of the premises.

2. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes.

3. Ham operator transmission tower; however, a building permit from the city shall be required.

4. Hardware sales when associated with a greenhouse or nursery.

5. Home occupation.

6. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.
7. Real estate sign, not exceeding twelve (12) square feet for each face and set back from 
every property line at least ten (10) feet.

8. Roadside stand, for the sale of produce and poultry grown and raised on or in the immediate 
area of the premises, but not including live animals, and provided that such stand shall 
contain not more than six hundred (600) square feet of floor area. Such stands, or produce 
offered for sale shall be located not less than fifty (50) feet from the centerline of the 
highway, except a temporary roadside stand may be located not less than twenty (20) feet 
from the nearest edge of pavement provided they shall be placed at such locations only 
during the harvest season of produce offered for sale and shall contain not more than two 
hundred (200) square feet of floor area. Each roadside stand shall have facilities, approved 
by the zoning administrator, for the vehicular ingress and egress, and adequate off-street 
parking.

9. Roomers and boarders, not to exceed six (6).

10. Swimming pool, exclusively for the use of the residents and their guests, and set back from 
every property line at least ten (10) feet and not located in the front yard.

11. Parking of recreational vehicles. One recreational vehicle may be parked within the 
buildable area of the lot. Other recreational vehicles may be parked thereon when stored in 
an enclosed, permanent structure. (Ord. 21-90, § 2, 4-17-1990)

13.16. **Prohibited Uses:** All uses not expressly authorized in sections 13.12, 13.13, 13.14 and 
13.15, including but not limited to:

1. Commercial uses.

2. Fertilizer production.

3. Industrial uses.

4. Mobile home other than in a mobile home park, except as occupied by a farm owner or 
tenant operator.

5. Multifamily dwelling.


7. Slaughter house.

13.17. **Site And Structure Requirements:**

1. Minimum lot area. A separate ground area of not less than five (5) acres shall be designed, 
provided, and continuously maintained for each structure or land containing a permitted or 
special use.

2. Minimum lot width. A minimum lot width of four hundred (400) feet shall be provided for each 
lot used for a permitted or special use.
3. Front yard. All structures shall be set back at least fifty (50) feet from the front lot line.

4. Side yard. All structures shall be set in from the side lot line a distance of not less than fifty (50) feet.

5. Rear yard. All structures shall be set in a distance of not less than fifty (50) feet from the rear lot line.

6. Maximum height. No principal structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one story or fifteen (15) feet in height.

7. Floor area ratio, not to exceed 0.2.

8. Minimum size of dwelling. Each single-family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least one thousand two hundred (1,200) square feet of floor area if one story, or one thousand four hundred (1,400) square feet of floor area if two (2) stories.

9. Mobile home park. The maximum number of mobile homes shall not exceed a density of six (6) mobile homes per acre, and all design standards shall conform to the "Minimum Property Standards for Mobile Home Courts" published by the Federal Housing Administration.

10. Minimum structure width. The minimum dimension (width) of the main body of the residential structure shall not be less than twenty-two (22) feet for at least seventy five (75) percent of the distance of the major dimension (length). (Ord. 7-86, § 1, 2-18-1986)

13-18. Special Provisions:

1. Parking requirements, in accordance with the applicable regulations set forth in section 19.

2. Sign requirements, in accordance with the applicable regulations set forth in section 18.

3. Farm residences and farm buildings. Farm residences and farm buildings and other farm structures and uses on parcels over forty (40) acres in size shall be exempt from the provisions of this ordinance when used for the agricultural purposes intended. However, the front yard requirements shall be adhered to.

4. Sewer and water. All dwellings erected after the effective date of this amendment to this ordinance shall be served either by a municipal sewer and water system, Private community sewer and water system, or private individual sewerage and water system approved by the Scott County Board of Health.

13.2. A-2 RURAL RESIDENCE DISTRICT:

13.21. Description Of District: This district is intended to Provide for single-family residential development on lot sizes adequate to allow individual wells and sewage disposal systems and to create an environment of rural-type homes on larger lots than required in the urban-type
residential areas. The permitted uses, lot areas, setbacks and other requirements are
designed to encourage a quality residential area in a rural setting. All commercial activities
including room renting or other home occupations are prohibited.

13.22. *Uses Permitted:* No land shall be used or occupied and no building, structure or
premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided
in this ordinance, for other than one or more of the following specified uses:

1. Residential uses:
   (a) Single-family detached dwelling.

2. Public, quasi-public, and governmental buildings and facilities, such as but not limited to:
   (a) Country club.
   (b) Essential services, gas regulator station, telephone exchange, electric substation.
   (c) Parish house and convent, in conjunction with schools.
   (d) Public and parochial school.
   (e) Public library, in conjunction with schools.
   (f) Public park, public playground, public golf courses, and public community center
       building.

3. Agricultural uses, such as but not limited to:
   (a) Gardening and general farming.
   (b) Nursery, but no retailing.

13.23. *Special Uses Permitted:* The following uses may be permitted only if specifically
authorized by the board of adjustment as allowed in section 23:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Churches and other places of worship, provided the property for said use fronts on a primary
   or secondary thoroughfare so designed in the comprehensive plan.

3. Commercial golf course and accessory driving range.


5. Bed and breakfast inn.

6. Noncommercial ham operator transmission tower provided it meets the following conditions
   in addition to those listed in section 21.10 and section 23 of this code:
(a) The tower does not exceed sixty-five (65) feet in height;

(b) Engineering specifications and certification are submitted indicating that if the tower were to collapse, it would fall completely within the boundaries of the property and not endanger any habitable structures;

(c) Engineering certification is submitted that the tower was installed as designed and in accordance with the manufacturers specifications;

(d) The tower and guys are not located within the front yard;

(e) And a building permit from the city is required. (Ord. 4-82, 1-19-1982; Ord. 34-91, § 2, 8-6-1991; Ord. 10-95, § 4, 2-21-1995)

13.24. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one hundred eighty (180) days and may be renewed until the development of the subdivision is ninety (90) percent complete or for ten (10) renewals, whichever comes first, and shall be conditioned upon the good maintenance of the sign.

2. Temporary building, trailer or yard for construction materials and equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

3. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location. (Ord. 43-79, 9-4-1979)

13.25. Accessory Uses Permitted: Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership, and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use, and do not involve the conduct of any business, trade or industry.

Accessory uses may include, but are not limited to:

1. Garage, carport or other parking spaces for the exclusive use of residents or occupants of the premises.

2. Gardening (the raising of vegetables and fruits) and keeping of household pets exclusively for the use of personal enjoyment of residents of the premises and not for commercial purposes.
3. Noncommercial ham operator transmission tower provided it meets the following conditions:

(a) The tower does not exceed the allowable height of the principal structure by more than ten (10) feet;

(b) Guyed or free standing towers are setback from all property lines and habitable structures by a distance equal to their height;

(c) Towers attached to the principal structure shall be set back from all property lines a distance equal to the distance the tower extends above the last secure connection to the principal structure;

(d) The tower and the guys are not located within the front yard;

(e) And a building permit from the city is required.

4. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.

5. Real estate sign, not exceeding twelve (12) square feet for each face and set back from every property line at least ten (10) feet.

6. Swimming pool, exclusively for the use of the residents and their guests, and set back from every property line at least ten (10) feet, and not located in the front yard. (Ord. 10-95, § 2, 2-21-1995)

13.26. Prohibited Uses: All uses not expressly authorized in section 13.22, 13.23, 13.24 and 13.25 including but not limited to:

1. Commercial use.

2. Home occupation.

3. Hotels and motels.

4. Industrial use.

5. Mobile home.

6. Multifamily dwelling.

7. Sign and billboard, except as otherwise provided.

13.27. Site And Structure Requirements:

1. Minimum lot area. A separate ground area, of not less than fifteen thousand (15,000) square feet or such additional area to adequately provide for safe sewage disposal and water supply, shall be designated, provided, and continuously maintained for each structure or land containing a permitted or special use.
2. Minimum lot width. A minimum lot width of one hundred (100) feet shall be provided for each lot used for a permitted or special use.

3. Front yard. All structures shall be set back at least forty (40) feet from the front lot line.

4. Side yard. All structures shall be set in from the side lot line with a distance of not less than five (5) feet on the least side, with the sum of the two (2) sides not less than twenty (20) feet.

5. Rear yard. All structures shall be set in a distance of not less than forty (40) feet from the rear lot line.

6. Maximum height. No principal structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one story or fifteen (15) feet in height.

7. Floor area ratio, not to exceed 0.3.

8. Minimum size of dwelling. Each single-family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least one thousand two hundred (1,200) square feet of floor area if one story, or one thousand four hundred (1,400) square feet of floor area if two (2) stories.

9. Minimum structure width. The minimum dimension (width) of the main body of the residential structure shall not be less than twenty-two (22) feet for at least seventy-five (75) percent of the distance of the major dimension (length). (Ord. 7-86, § 1, 2-18-1986)

13.28. Special Provisions:

1. Parking requirements, in accordance with the applicable regulations set forth in section 19.

2. Sign requirements, in accordance with the applicable regulations set forth in section 18.

3. Trucks. No truck of three-quarter (3/4) ton rated capacity or other type commercial vehicular equipment shall be parked or stored on a lot in this district, except when located in a garage or enclosed structure. This provision shall not apply to a bona fide agricultural use.

4. Parking of recreational vehicles. One recreational vehicle may be parked within the buildable area of a lot. Other recreational vehicles may be parked thereon when stored in an enclosed, permanent structure.

5. Tents. Tents shall not be erected, used or maintained on any lot, except such small tents that are customarily used for temporary recreational purposes.

6. Sewer and water. All dwellings erected after the effective date of this amendment to this ordinance shall be served either by a municipal sewer and water system, private community sewer and water system, or private individual sewerage and water system approved by the Scott County Board of Health. (Ord. 21-90, § 3, 4-17-1990)
SECTION 14. RESIDENTIAL DISTRICTS

14.0. PURPOSE:

The residential district regulations are intended to govern the location, intensity and method of development of the residential areas of Bettendorf where public sanitary sewer and water facilities are normally provided or will be for the protection of existing residential areas and to provide for new residential growth in accord with the design and density objectives of the community. The residential uses have been grouped into the following five (5) residential districts and one planned overlay district in order to make flexibility possible with the uses described in these zones:

- R-1 Single-Family Residence District
- R-2 Single-Family Residence District
- R-3 Single-Family and Two-Family Residence District
- R-4 Multifamily Residence District
- R-5 Multifamily Residence District

PR-(appropriate number) Planned Residential Overlay District (Ord. 15-79, 5-15-1979)

14.1. R-1 SINGLE-FAMILY RESIDENCE DISTRICT:

14.11. Description Of District: This district is the most restrictive of the residential districts and is composed of certain quiet, low-density residential areas of the community plus certain open areas where similar residential development appears likely to occur. It is the intent of this district to provide for an environment of predominantly low-density single unit dwellings plus certain additional uses such as schools, parks, and certain public facilities which serve the residents living in the district. All commercial activities including room renting or other home occupations are prohibited.

14.12. Uses Permitted: No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied, or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Residential uses.
   (a) Single-family detached dwelling.

2. Public, quasi-public and governmental buildings and facilities, such as but not limited to:
   (a) Essential services, gas regulator station, telephone exchange, electric substation.
   (b) Parish house and convent, in conjunction with schools.
   (c) Public and parochial school.
(d) Public library, in conjunction with schools.

(e) Public park, public playground, public golf course, and public community center building.

3. Agricultural uses, such as but not limited to:

(a) Gardening and general farming.

(b) Nursery, but no retailing.

14.13. **Special Uses Permitted**: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Churches and other places of worship, provided the property for said use fronts on a primary or secondary thoroughfare so designated in the comprehensive plan.

3. Country club, tennis club, swimming pool, and similar recreational uses provided the property for said use fronts on a primary or secondary thoroughfare so designated in the comprehensive plan.

4. Sewage treatment plant.

5. Child care center and preschool.

6. Bed and breakfast inn.

7. Noncommercial ham operator transmission tower provided it meets the following conditions in addition to those listed in section 21.10 and section 23 of this code:

   (a) The tower does not exceed sixty-five (65) feet in height;

   (b) Engineering specifications and certification are submitted indicating that if the tower were to collapse, it would fall completely within the boundaries of the property and not endanger any habitable structures;

   (c) Engineering certification is submitted that the tower was installed as designed and in accordance with the manufacturer's specifications;

   (d) The tower and guys are not located within the front yard;

   (e) And a building permit from the city is required. (Ord. 4-82, 1-19-1982; Ord. 34-91, § 3, 8-6-1991; Ord. 10-95, § 5, 2-21-1995)

14.14. **Temporary Permit Uses Permitted**: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:
1. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one hundred eighty (180) days and may be renewed until the development of the subdivision is ninety (90) percent complete or for ten (10) renewals, whichever comes first, and shall be conditioned upon the good maintenance of the sign.

2. Temporary building, trailer or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

3. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location. (Ord. 43-79, 9-4-1979)

14.15. Accessory Uses Permitted: Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership, and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use, and not involve the conduct of any business, trade or industry. Accessory uses may include, but are not limited to:

1. Garage, carport or other parking spaces for the exclusive use of residents or occupants of the premises.

2. Gardening (the raising of vegetables and fruits), greenhouse, and keeping of household pets exclusively for the use of personal enjoyment of residents of the premises and not commercial purposes.

3. Noncommercial HAM operator transmission tower provided it meets the following conditions:

   (a) The tower does not exceed the allowable height of the principal structure by more than ten (10) feet;

   (b) Guyed or freestanding towers are set back from all property lines and habitable structures by a distance equal to their height;

   (c) Towers attached to the principal structure shall be set back from all property lines a distance equal to the distance the tower extends above the last secure connection to the principal structure;

   (d) The tower and guys are not located within the front yard;

   (e) And a building permit from the city is required.

4. Reserved.
5. Real estate sign, not exceeding twelve (12) square feet for each face and set back from every property line at least ten (10) feet.

6. Swimming pool, exclusively for the use of the residents and their guests, and set back from every property line at least ten (10) feet and not located in the front yard.

7. Notwithstanding the provisions of subsection 14.16.1 of this section, games of skill or chance, raffles, or bingo pursuant to a license authorized by chapter 99B of the 1983 code of Iowa, except in residential uses. (Ord. 09-03, 3-4-2003)

14.16. **Prohibited Uses:** All uses not expressly authorized in sections 14.12, 14.13, 14.14 and 14.15 of this appendix, including, but not limited to:

1. Commercial uses.

2. Home occupation.

3. Hotel and motel.

4. Industrial uses.

5. Mobile home.

6. Sign and billboard, except as otherwise provided.

14.17. **Site And Structure Requirements:**

1. **Minimum lot area.** A separate ground area, of not less than ten thousand (10,000) square feet, shall be designated, provided, and continuously maintained for each structure or land containing a permitted or special use.

2. **Minimum lot width.** A minimum lot width of seventy five (75) feet shall be provided for each lot used for a permitted or special use.

3. **Front yard.** All structures shall be set back at least thirty (30) feet from the front lot line. Also, to achieve a variety of setbacks it shall be required that on sections of straight streets or streets having a curvature with a radius of six hundred (600) feet or more, where more than three (3) lots are being subdivided or built upon by one individual or concern, that at least thirty-three (33) percent of the lots have a setback of at least thirty-five (35) feet, and that at least seventeen (17) percent of the lots have a setback of at least forty (40) feet. In addition no more than three (3) contiguous lots shall have the same setback. A suggested design is portrayed graphically in Figure 1.111

4. **Side yard.** All structures shall be set in from the side lot line a distance of not less than five (5) feet on the least side, with the sum of the two (2) sides not less than twenty (20) feet.

5. **Rear yard.** All structures shall be set in a distance of not less than forty (40) feet from the rear lot line.
6. Maximum height. No principal structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one story or fifteen (15) feet in height.

7. Floor area ratio, not to exceed 0.4.

8. Minimum size of dwelling. Each single-family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least one thousand two hundred (1,200) square feet of floor area if one (1) story, or one thousand four hundred (1,400) square feet of floor area if two (2) stories.

9. Minimum structure width. The minimum dimension (width) of the main body of the residential structure shall not be less than twenty-two (22) feet for at least seventy-five (75) percent of the distance of the major dimension (length). (Ord. 7-86, § 1, 2-18-1986)

14.18. Special Provisions:

1. Parking requirements, in accordance with the applicable regulations set forth in section 19.

2. Sign requirements, in accordance with the applicable regulations set forth in section 18.

3. Trucks. No truck of three-quarter (3/4) ton rated capacity or other type commercial vehicular equipment shall be parked or stored on a lot in this district, except when located in a garage or enclosed structure. This provision shall not apply to a bona fide agricultural use.

4. Parking of recreational vehicles. One recreational vehicle may be parked in the rear yard not closer than two (2) feet from the rear lot line or buildable area of the lot. Other recreational vehicles may be parked on the lot when stored in an enclosed, permanent structure.

5. Tents. Tents shall not be erected, used or maintained on any lot, except such small tents that are customarily used for temporary recreational purposes. (Ord. 21-90, § 4, 4-17-1990)

14.2. R-2 SINGLE-FAMILY RESIDENCE DISTRICT:

14.21. Description Of District: This district provides for the protection of certain older areas of the community developed principally for single-family uses. The purpose of this district is to stabilize and preserve the residential character of existing areas. Uses permitted in the R-2 district are the same as those permitted in the R-I district, but bulk requirements permit higher densities in conformity with existing conditions.

14.22. Uses Permitted: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Residential uses:
   (a) Single-family detached dwelling.

2. Public, quasi-public, and governmental buildings and facilities, such as but not limited to:
(a) Public, quasi-public, and governmental buildings permitted in the R-1 district.

14.23. Special Uses Permitted: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Special uses permitted in the R-1 district.

3. Bed and breakfast inn. (Ord. 34-91, § 4, 8-6-1991)

14.24. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Temporary permit uses permitted in the R-1 district.

14.25. Accessory Uses Permitted: Accessory uses, buildings or other structures and devices customarily incidental to the commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership, and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use, and do not involve the conduct of any business, trade or industry.

Accessory uses may include, but are not limited to:

1. Accessory uses permitted in the R-1 district.

2. Home occupation.

3. Roomers and boarders, not to exceed two (2).

14.26. Prohibited Uses: All uses not expressly authorized in sections 14.22, 14.23, 14.24 and 14.25, including but not limited to:

1. Commercial uses.

2. Hotel and motel.

3. Industrial uses.

4. Mobile home.

5. Sign and billboard, except as otherwise provided.

14.27. Site And Structure Requirements:

1. Minimum lot area. A separate ground area, of not less than eight thousand four hundred (8,400) square feet, shall be designated, provided, and continuously maintained for single-family dwellings. In subdivisions of not less than ten (10) acres, the minimum lot size for single-family dwellings may be reduced to not less than seven thousand two hundred
(7,200) square feet, provided that the average size of all the lots proposed for residential use equal not less than eight thousand four hundred (8,400) square feet; excluding, however, for the purpose of said computation the amount that any lot exceeds fifteen thousand (15,000) square feet in area and provided that not more than thirty (30) percent of the total area of the lots equal less than eight thousand four hundred (8,400) square feet per lot.

2. Minimum lot width. A minimum lot width of seventy (70) feet shall be provided for each lot used for single-family use, but may be reduced to not less than sixty (60) feet in subdivisions not less than ten (10) acres, provided that the average width of all lots proposed for residential use equals not less than seventy (70) feet. For other uses, a minimum lot width of sixty (60) feet shall be provided for each lot.

3. Front yard. All structures shall be set back at least twenty-five (25) feet from the front lot line. Also, structures may be placed at different setbacks, according to section 14.17(3), to achieve a variety of setbacks.

4. Side yard. All structures shall be set in from the side lot line a distance of not less than five (5) feet on the least side, with the sum of the two (2) sides not less than fifteen (15) feet.

5. Rear yard. All structure shall be set in a distance of not less than twenty-five (25) feet from the rear lot line.

6. Maximum height. No principal structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one story or fifteen (15) feet in height.

7. Floor area ratio, not to exceed 0.4.

8. Minimum size of dwelling. Each single-family detached dwelling and any other structure occupied in whole or in part for residential purposes shall contain at least eight hundred sixty (860) square feet of floor area if one story, or one thousand (1,000) square feet of floor area if two (2) stories.

9. Minimum structure width. The minimum dimension (width) of the main body of the residential structure shall not be less than twenty-two (22) feet for at least seventy-five (75) percent of the distance of the major dimension (length). (Ord. 7-86, § 1, 2-18-1986; Ord. 40-91, § 1, 9-3-1991)

14.28. Special Provisions:

1. Special provisions as required in the R-1 district.

2. Parking of recreational vehicles. One recreational vehicle may be parked in the rear yard not closer than two (2) feet from the rear lot line or buildable area of the lot. Other recreational vehicles may be parked on the lot when stored in an enclosed, permanent structure. (Ord. 21-90, § B, 4-17-1990)

14.3. R-3 SINGLE-FAMILY AND TWO-FAMILY RESIDENCE DISTRICT:

14.31. Description Of District: This district is composed of certain low- to medium-density
residential areas representing a compatible commingling of single-family and two-family dwellings. It is the intent of this district to provide an environment of low- to medium-density dwellings plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents living in the district. It has useful application as a buffer or transition zone along major streets and bordering shopping centers where a greater density is more objectionable.

14.32. **Uses Permitted:** No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Residential uses:
   
   (a) Single-family detached dwelling.
   
   (b) Two-family dwellings
   
   (c) Townhouse, up to eight (8) attached (dwellings attached), only when overlaid with a planned residential overlay district.

2. Public, quasi-public, and governmental buildings, and facilities such as but not limited to:

   (a) Public, quasi-public, and governmental buildings permitted in the R-1 district.

   (b) Churches and other places of worship, provided the property for said use fronts on a primary or secondary thoroughfare so designated in the comprehensive plan.

3. Agricultural uses, such as but not limited to:

   (a) Gardening and general farming.

   (b) Nursery, but no retailing. (Ord. 30-79, 7-3-1979)

14.33. **Special Uses Permitted:** The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Clubs, lodges, social and recreational buildings or properties, not for profit.

3. Country club, tennis club, swimming pool, and similar recreational uses provided the property for said use fronts on a primary or secondary thoroughfare so designated in the comprehensive plan.

4. Greenhouse, but no retailing.

5. Child care center and preschool.

7. Bed and breakfast inn.

8. Noncommercial ham operator transmission tower provided it meets the following conditions in addition to those listed in section 21.10 and section 23 of this code:

(a) The tower does not exceed sixty five (65) feet in height;

(b) Engineering specifications and certification are submitted indicating that if the tower were to collapse, it would fall completely within the boundaries of the property and not endanger any habitable structures;

(c) Engineering certification is submitted that the tower was installed as designed and in accordance with the manufacturers specifications;

(d) The tower and guys are not located within the front yard;

(e) And a building permit from the city is required. (Ord. 43-79, 9-4-1979; Ord. 4-82, 1-19-1982; Ord. 34-91, § 5, 8-6-1991; Ord. 10-95, § 6, 2-21-1995)

14.34. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Temporary permit uses permitted in the R-1 district.

14.35. Accessory Uses Permitted: Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted, provided they are operated and maintained under the same ownership, and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use, and do not involve the conduct of any business, trade or industry.

Accessory uses may include, but are not limited to:

1. Accessory uses permitted in the R-1 district.

2. Home occupation.

3. Professional office of resident in his dwelling involving the employment of not to exceed one person not a resident of the premises.

4. Roomers and boarders, not to exceed three (3) by a resident family.

14.36. Prohibited Uses: All uses not expressly authorized in sections 14.32, 14.33, 14.34 and 14.35, including but not limited to:

1. Commercial uses.

2. Hotels and motels.

3. Industrial uses.
4. Sign and billboard, except as otherwise provided.

14.37. **Site And Structure Requirements:**

1. Minimum lot area. A separate ground area shall be designated, provided and continuously maintained for each permitted or special use as provided for in the following table:

<table>
<thead>
<tr>
<th>Minimum Lot Area Use</th>
<th>(square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwellings</td>
<td>8,400</td>
</tr>
<tr>
<td>Residential with more than one unit per lot, minimum required, per unit</td>
<td>4,500</td>
</tr>
<tr>
<td>Permitted and special uses other than residential</td>
<td>6,000</td>
</tr>
</tbody>
</table>

In subdivisions of not less than ten (10) acres, the minimum lot size for single-family dwellings may be reduced to not less than seven thousand two hundred (7,200) square feet, provided that the average size of all the lots proposed for residential use equals not less than eight thousand four hundred (8,400) square feet, excluding, however, for the purpose of said computation the amount that any lot exceeds fifteen thousand (15,000) square feet in area, and provided that not more than thirty (30) percent of the total area of the lots equals less than eight thousand four hundred (8,400) square feet per lot.

2. Minimum lot width. A minimum lot width of seventy (70) feet shall be provided for each lot used for single-family use, but may be reduced to not less than sixty (60) feet in subdivisions not less than ten (10) acres, provided that the average width of all lots proposed for residential use in a subdivision equals not less than seventy (70) feet. For other uses, a minimum lot width of sixty (60) feet shall be provided for each lot.

3. Front yard. All structures shall be set back at least twenty-five (25) feet from the front lot line.

4. Side yard. All structures shall be set in from the side lot line a distance of not less than five (5) feet on the least side, with one side at least ten (10) feet and the sum of the two (2) sides not less than fifteen (15) feet.

5. Rear yard. All structures shall be set in a distance of not less than twenty-five (25) feet from the rear lot line.

6. Maximum height. No principal structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one story or fifteen (15) feet in height.

7. Floor area ratio, not to exceed 0.7.

8. Minimum size of dwelling. Each single-family detached dwelling shall contain at least eight hundred sixty (860) square feet of floor area if one story or one thousand (1,000) square feet of floor area if two (2) stories, and each two-family dwelling shall contain at least seven hundred twenty (720) square feet of floor area for each dwelling unit. (Ord. 18-78, 4-18-1978)

9. Minimum structure width. The minimum dimension (width) of the main body of the residential
structure shall not be less than twenty-two (22) feet for at least seventy-five (75) percent of the distance of the major dimension (length). (Ord. 7-86, § 1, 2-18-1986)

14.38. Special Provisions:

1. Special provisions as required in the R-2 district.

14.4. R-4 MULTI-FAMILY RESIDENCE DISTRICT:

14.41. Description Of District: This district is composed of certain medium-density residential areas representing a compatible commingling of single-family, two-family and multi-family dwellings, including certain open areas where similar residential development appears likely to occur. It is the intent of this district to provide for an environment of medium-density dwellings plus certain additional uses such as schools, parks, churches, and certain public facilities which serve the residents living in the district. Large apartments, with corresponding proportions of open space, also may be developed under prescribed standards of density and open space. In addition to large areas allocated for this district, it has useful application as a buffer or transition zone along major streets and bordering shopping centers.

14.42. Uses Permitted: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Residential uses:
   (a) Multi-family dwelling.
   (b) Single-family detached dwelling.
   (c) Two-family dwelling.
   (d) Townhouses, up to eight (8) attached (dwellings attached), only when overlaid with a planned residential overlay district.

2. Public, quasi-public, and governmental buildings and facilities such as, but not limited to:
   (a) Public, quasi-public, and governmental buildings permitted in the R-1 district.
   (b) Churches and other places of worship, provided the property for said use fronts on a primary or secondary thoroughfare so designated in the comprehensive plan.

3. Agricultural uses, such as, but not limited to:
   (a) Gardening and general farming.
   (b) Nursery but no retailing. (Ord. 8-97, 4-15-1997)

14.43. Special Uses Permitted: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix:
1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Special uses permitted in the R-3 district.

3. Convalescent and nursing home.

4. Hospital, clinic and sanitariums.

5. Mobile home park.

6. Private school and college.

7. Bed and breakfast inn.


14.44. **Temporary Permit Uses Permitted:** Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Temporary permit uses permitted in the R-1 district.

14.45. **Accessory Uses Permitted:** Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership, and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use, and do not involve the conduct of any business, trade or industry.

Accessory uses may include, but are not limited to:

1. Accessory uses permitted in the R-1 district.

2. Home occupation.

3. Professional office of resident in his dwelling involving the employment of not to exceed one person not a resident of the premises.

4. Roomers or boarders, not to exceed four (4) by a resident family.

14.46. **Prohibited Uses:** All uses not expressly authorized in sections 14.42 through 14.45 of this appendix, including, but not limited to:

1. Commercial uses.

2. Hotels and motels.

3. Industrial uses.

4. Sign and billboard, except as otherwise provided.
14.47. Site And Structure Requirements:

1. Minimum Lot Area. A separate ground area shall be designated, provided and continuously maintained for each permitted or special use as provided for in the following table:

<table>
<thead>
<tr>
<th>Minimum Lot Area Use</th>
<th>(Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>8,400</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>9,000</td>
</tr>
<tr>
<td>Any residential multi-family unit, minimum required</td>
<td>12,000</td>
</tr>
<tr>
<td>One- and two-bedroom units (4 units or more), per unit</td>
<td>3,500</td>
</tr>
<tr>
<td>Each additional bedroom over two (2) in multi-family units, additional per bedroom, per unit</td>
<td>500</td>
</tr>
<tr>
<td>Permitted and special uses other than residential</td>
<td>6,000</td>
</tr>
</tbody>
</table>

In subdivisions of not less than ten (10) acres, the minimum lot size for single-family dwellings may be reduced to not less than seven thousand two hundred (7,200) square feet, provided that the average size of all the lots proposed for residential use equals not less than eight thousand four hundred (8,400) square feet, excluding, however, for the purpose of said computation the amount that any lot exceeds fifteen thousand (15,000) square feet in area, and provided that not more than thirty (30) percent of the total area of the lots equals less than eight thousand four hundred (8,400) square feet per lot.

2. Minimum Lot Width. A minimum lot width of seventy (70) feet shall be provided for each lot used for single-family use, but may be reduced to not less than sixty (60) feet in subdivisions not less than ten (10) acres, provided that the average width of all lots proposed for residential use in a subdivision equals not less than seventy (70) feet. For other uses, a minimum lot width of sixty (60) feet shall be provided for each lot.

3. Front Yard. All structures shall be set back at least twenty-five (25) feet from the front lot line.

4. Side Yard. All structures shall be set in from the side lot line a distance of not less than five (5) feet on the least side, with one side at least ten (10) feet and the sum of the two (2) sides not less than fifteen (15) feet.

5. Rear Yard. All structures shall be set in a distance of not less than twenty-five (25) feet from the rear lot line.

6. Maximum Height. No principal structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, and no accessory structure, shall exceed one story or fifteen (15) feet in height. (Ord. 4-81, 1-6-1981)

7. Floor Area Ratio. Floor area ratio, not to exceed 0.7.

8. Minimum Size Of Dwelling. Each single-family detached dwelling shall contain at least eight hundred sixty (860) square feet of floor area if one story, or one thousand (1,000) square feet of floor area if two (2) stories; each two-family dwelling shall contain at least seven
hundred twenty (720) square feet of floor area for each dwelling unit; and each multi-family
dwelling shall contain at least six hundred (600) square feet of floor area for each dwelling
unit.

9. Mobile Home Park. The maximum number of mobile homes shall not exceed a density of six
(6) mobile homes per acre, and all design standards shall conform to the "Minimum
Property Standards for Mobile Home Courts" published by the Federal Housing
Administration.

10. Space Between Buildings. The minimum horizontal distance between buildings shall be:

   (a) Ten (10) feet for single-family and two-family buildings or combinations thereof, and
   thirty (30) feet for multi-family buildings or combinations thereof. (Ord. 18-78, 4-18-1978)

11. Minimum Structure Width. The minimum dimension (width) of the main body of the
residential structure shall not be less than twenty-two (22) feet for at least seventy-five (75)
percent of the distance of the major dimension (length). (Ord. 7-86, § 1, 2-18-1986)

14.48. Special Provisions:

1. Special provisions as required in the R-2 district.

14.5. R-5 MULTI-FAMILY RESIDENCE DISTRICT:

14.51. Description Of District: This district provides for certain high-density residential areas
within the community. It is the intent of this district to create a predominantly residential
environment of all types of residential structures, plus certain additional uses such as schools,
parks, churches, and certain public facilities which serve the residents of the district. General
commercial or industrial uses, except certain enumerated uses, are prohibited. This district
normally abuts major thoroughfares and expressways that provide direct access to the site.

14.52. Uses Permitted: No land shall be used or occupied and no building, structure or
premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided
in this ordinance, for other than one or more of the following specified uses:

1. Residential uses:

   (a) Multi-family dwelling.

   (b) Rooming and boarding house.

   (c) Single-family detached dwelling.

   (d) Two-family dwelling.

2. Public, quasi-public, and governmental buildings and facilities such as, but not limited to:

   (a) Public, quasi-public, and governmental buildings and facilities permitted in the R-4
district.
(b) Club, lodge, social and recreational building or property, not for profit.

(c) Convalescent and nursing home.

(d) Private school and college.

14.53. Special Uses Permitted: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Country club, tennis club, swimming pool, and similar recreational uses; provided the property for said use fronts on a primary or secondary thoroughfare so designated in the comprehensive plan.

3. Hospital, clinic and sanitarium.

4. Hotel and motel.

5. Childcare center and preschool.


7. Bed and breakfast inn.


9. Noncommercial ham operator transmission tower provided it meets the following conditions in addition to those listed in subsection 21.10 and section 23 of this appendix:

   (a) The tower does not exceed sixty-five (65) feet in height;

   (b) Engineering specifications and certification are submitted indicating that if the tower were to collapse, it would fall completely within the boundaries of the property and not endanger any habitable structures;

   (c) Engineering certification is submitted that the tower was installed as designed and in accordance with the manufacturer’s specifications;

   (d) The tower and guys are not located within the front yard;

   (e) And a building permit from the city is required.


14.54. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:
1. Temporary permit uses permitted in the R-1 district.

14.55. **Accessory Uses Permitted:** Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted or special use may be permitted; provided they are operated and maintained under the same ownership, and on the same parcel, do not include structures or structural features inconsistent with the permitted use or special use, and do not involve the conduct of any business, trade or industry.

Accessory uses may include, but are not limited to:

1. Accessory uses permitted in the R-3 district.

2. Multiple-family buildings may contain one or more of the hereinafter set forth accessory commercial uses if each such use meets the following conditions:

   (a) Accessory commercial uses:

   (1) Barbershop;

   (2) Beauty shop;

   (3) Delicatessen;

   (4) Eating place;

   (5) Gift shop;

   (6) Laundry and dry cleaning collection station;

   (7) News, cigar and candy shop.

   (b) Conditions:

   (1) Is provided for the convenience of the owner-tenants only;

   (2) Does not have exterior signs except for one nonilluminated sign not exceeding three (3) square feet in area attached to the building;

   (3) Does not have a separate outside entrance;

   (4) Is not evident from the street.

3. Bar and cocktail lounge accessory to a hotel or motel, and restaurant.

14.56. **Prohibited Uses:** All uses not expressly authorized in sections 14.52, 14.53, 14.54 and 14.55, including but not limited to:

1. Industrial uses.
2. Mobile homes.

3. Sign and billboard, except as otherwise provided.

14.57. Site And Structure Requirements:

1. Minimum lot area. A separate ground area shall be designated, provided and continuously maintained for each permitted or special use as provided for in the following table:

<table>
<thead>
<tr>
<th>Minimum Lot Area Use</th>
<th>(square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>8,400</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>9,000</td>
</tr>
<tr>
<td>Any residential multi-family unit, minimum required</td>
<td>12,000</td>
</tr>
<tr>
<td>Efficiency dwelling unit (15 units or more), per unit</td>
<td>800</td>
</tr>
<tr>
<td>One-bedroom (12 units or more), per unit</td>
<td>1,000</td>
</tr>
<tr>
<td>Two-bedroom (8 units or more), per unit</td>
<td>1,500</td>
</tr>
<tr>
<td>Three-bedroom (4 units or more), per unit</td>
<td>3,000</td>
</tr>
<tr>
<td>Each additional bedroom [over 3 in multi-family units], per bedroom per unit</td>
<td>1,500</td>
</tr>
<tr>
<td>Permitted and special uses other than residential</td>
<td>6,000</td>
</tr>
</tbody>
</table>

In subdivisions of not less than ten (10) acres, the minimum lot size for single-family dwellings may be reduced to not less than seven thousand two hundred (7,200) square feet, provided that the average size of all the lots proposed for residential use equals not less than eight thousand four hundred (8,400) square feet, excluding, however, for the purpose of said computation the amount that any lot exceeds fifteen thousand (15,000) square feet in area and provided that not more than thirty (30) percent of the total area of the lots equals less than eight thousand four hundred (8,400) square feet per lot.

2. Minimum Lot Width: A minimum lot width of seventy (70) feet shall be provided for each lot used for single-family use, but may be reduced to not less than sixty (60) feet in subdivisions not less than ten (10) acres, provided that the average width of all lots proposed for residential use in a subdivision equals not less than seventy (70) feet. For other uses, a minimum lot width of sixty (60) feet shall be provided for each lot.

3. Front yard. All structures shall be set back at least twenty-five (25) feet from the front lot line.

4. Side yard. All structures shall be set in from the side lot line a distance of not less than five (5) feet on the least side, with one side at least ten (10) feet and the sum of the two (2) sides not less than fifteen (15) feet for one or two (2) story structures; the least side shall be increased by two (2) feet and the sum of the two (2) sides by three (3) feet for each additional story.

5. Rear yard. All structures shall be set in a distance of not less than twenty-five (25) feet from the rear lot line for one or two (2) story structures; the rear yard shall be increased by four (4) feet for each additional story.
6. Maximum height. No principal structure shall exceed ten (10) stories or one hundred (100) feet in height, and no accessory structure shall exceed one story or fifteen (15) feet in height.

7. Floor area ratio, not to exceed 2.5.

8. Minimum size of dwelling. Each single-family detached dwelling shall contain at least eight hundred sixty (860) square feet of floor area if one story, or one thousand (1,000) square feet of floor area if two (2) stories; each two-family dwelling shall contain at least seven hundred twenty (720) square feet of floor area for each dwelling unit; and each multifamily dwelling shall contain at least six hundred (600) square feet of floor area for each dwelling unit. However, an efficiency unit may be reduced to four hundred fifty (450) square feet of floor area.

9. Space between buildings. The minimum horizontal distance between buildings shall be:
   (a) Ten (10) feet between one story, two (2) story, two and one-half (2 1/2) story single-family or two family buildings or combinations thereof.
   (b) Thirty (30) feet between one story, two (2) story, two and one-half (2 1/2) story multifamily buildings or combinations thereof.
   (c) Equal to the height of the taller building in the case of free standing unattached buildings other than one, two (2) or two and one-half (2 1/2) story buildings. (Ord. 18-78, 4-18-1978)

10. Minimum structure width. The minimum dimension (width) of the main body of the residential structure shall not be less than twenty-two (22) feet for at least seventy-five (75) percent of the distance of the major dimension (length). (Ord. 7-86, § 1, 2-18-1986)

14.58. Special Provisions:

1. Special provisions as required in the R-2 district.

14.6, 14.7. RESERVED:

14.8. PLANNED RESIDENTIAL OVERLAY DISTRICT:

14.81. Description Of District:

(a) This is a district which provides flexibility in development by releasing a developer from compliance with the strict site and structure requirements of section 14, "Residential Districts" and providing a small increase in density. This zone retains the same land use requirements and primary controls as are stipulated in the underlying zone contained in each subsection of section 14, as well as retaining the same general intent for the district as the description at the beginning of each zone through compliance with the procedure outlined below.

(b) Each zone in section 14 is hereby overlaid with an additional planned zone named PR-
planned residential overlay district, which may be considered for any land within the City of Bettendorf. Zones contained in sections 14.1, through 14.5 are hereby made underlying zones to be used for partial regulation of the rezoned tract. Each district shall be at least five thousand (5,000) square feet in size. This zone shall be established in the same manner as all other zoning districts but shall revert to the prior zoning district automatically without rezoning when special procedures as outlined in section 14.88 are appropriate. As part of the application, the developer shall state the reason the planned overlay district is desired and why a regular zoning classification would not be appropriate. Nothing in this section shall be interpreted as waiving any portion of the city's building code or standard specifications and standard drawings. (Ord. 15-79, 5-15-1979)


14.87. Site And Structure Requirements:

(a) Minimum lot area. None required.

(b) Minimum lot width. None required.

(c) Front yard. None required, except where adjacent to zones other than planned residence zones, it shall not be less than required in sections 14.17, 14.27, 14.37, 14.47, 14.57, depending upon the underlying zoning.

(d) Side yard. None required but where adjacent to nonplanned residence zones, it shall not be less than required in sections 14.17, 14.27, 14.37, 14.47, 14.57, depending upon the underlying zoning. Inasmuch as a zero side yard may be used in this zoning, single-family homes may develop as dwelling, semi-detached. An underlying zoning specifically permitting dwelling, attached, multifamily, and two-family shall be needed to develop these types of housing unless relief from these requirements is provided by the board of adjustment.

(e) Rear yard. None required, but where adjacent to nonplanned residence zones, shall not be less than that required in sections 14.17, 14.27, 14.37, 14.47, 14.57, depending upon the underlying zoning.
(f) Maximum height. Same as sections 14.17, 14.27, 14.37, 14.47, 14.57, depending upon the underlying zoning.

(g) Floor area ratio. Not to exceed ten (10) percent over that required in sections 14.17, 14.27, 14.37, 14.47, 14.57, depending upon the underlying zoning.

(h) Minimum size of dwelling. Same as sections 14.17, 14.27, 14.37, 14.47, 14.57, depending upon the underlying zoning.

(i) Maximum density. A total density shall be set by ordinance for the rezoning of any planned residential overlay district when said zoning is approved by council. Said density shall be defined as a total maximum number of dwelling units or bedrooms or combination. The total density may range between one dwelling unit and fifteen (15) percent over what the rezoned tract could have had under ideal conditions if developed under the underlying zone classification. (Ord. 15-79, 5-15-1979)

14.88. Special Provisions:

(a) All special provisions required in the base zone are required in the overlay planned residence zone unless specifically changed or noted by the commission and council on the development plan.

(b) Development plan: In order to obtain a building permit in a planned residence district, the developer must prepare a development plan or plans as the commission and council may approve. The commission and council may approve generalized concepts for the entire tract and require a more detailed development plan as phases of the project are submitted in accordance with the development schedule. The development plan may be submitted with preliminary or final plats which may be needed or may be submitted separately if the requirements of chapter 28 of the municipal code have previously been complied with. The development plan shall be submitted and approved by the commission in the same manner as final plats as specified in section 28-48 of the city municipal code. The development plan shall contain those items listed in section 18.9 of the zoning ordinance which the commission may deem necessary. The development plan shall be accompanied by a fee of two hundred dollars ($200.00) and an appropriate application form. The commission shall record in its minutes where in the development plan makes appropriate use of the flexibility possible in this zone.

(c) Time limit: The development plan shall be filed with the city within a submittal period of one year after the approval of the planned residential zoning. The one year period of submittal may be extended up to one additional year by council resolution. If the development plan is not filed within the submittal period, the zoning of the tract shall automatically revert to the prior zoning district effective at the end of the submittal period or upon denial or withdrawal of the development plan, if after the end of the submittal period. Planned residence zoning can be re-established by a new zoning procedure as stated in sections 24.1 through 24.5 of the zoning ordinance.

(d) Schedule: In addition to the information in section 18.9, the development plan shall include a development schedule indicating the stages and dates of actual development. If the development becomes more than two hundred seventy (270) days behind the approved schedule, the council may, by resolution, remove the planned residence zoning and replace...
it with the prior zoning district for all or part of the zoning district, or the council may amend the
development schedule, as it may deem appropriate, by resolution.

(e) Alternatives: The developer may submit the development plan with the rezoning application
and use the one year period to obtain approval of the development schedule. The
developer may also submit with the application a preliminary development plan which, if
approved, shall subsequently bind the commission and council to approval of a
development plan to the extent of the items contained in the preliminary plan. In no other
respect shall the commission or council be obligated to approve any development plan.
Where the developer has extra density, it should be expected that some aspect of the
development shall work to the city’s benefit so as to offset in some manner the extra cost
incurred by the city in servicing the extra people in the area.

(f) Completed project: Upon completion of development, the city planner shall notify the council.
The council shall, upon their consideration and agreement, pass a final resolution
determining that the development is complete.

Any questions as to permitted development occurring after passage of the final resolution shall
be applied for to the board of adjustment in accordance with normal board procedures. The
board shall decide if the proposal is in compliance with the intent and spirit and continued
practical usefulness of the plans and requirements of the planned residential district and may
approve amendments as it may deem necessary. (Ord. 15-79, 5-15-1979)

SECTION 15. COMMERCIAL DISTRICTS

15.0. PURPOSE:

The commercial district regulations are intended to govern the location, intensity, and method
of development of the business and commercial uses needed to serve the citizens of
Bettendorf and its trade area. The regulations of each district are designed to provide for
groupings of business and commercial uses that are compatible in scope of services and
method of operations. All business uses are contained in the following seven (7) business
district classifications:

C-1 Local Shopping District
C-2 Community Shopping District
C-3 General Business District
C-4 Automotive Service District
C-5 Office/Transitional District
C-6 Office and Research Park District
C-7 Public Gathering and Recreational Activity District. (Ord. 11-85, 6-18-1985)

15.1. C-1 LOCAL SHOPPING DISTRICT:
15.11. Description Of District: The C-1 local shopping district is intended to provide areas to be used by retail or service establishments to supply convenience goods or personal services for the daily needs of the residents living in adjacent residential neighborhoods. The district is designed to encourage shopping centers with planned off-street parking and loading and provide for existing individual or small groups of local stores. This district is normally located on primary or secondary thoroughfares, is relatively small in size, and has bulk standards comparable to the bulk standards for low density residential districts.

15.12. Uses Permitted: No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Retail businesses which supply commodities on the premises, such as, but not limited to:

   (a) Apparel store.

   (b) Bakery, in which the manufacture of goods is limited to goods sold on the premises only.

   (c) Book and stationery store.

   (d) Camera store.

   (e) Candy and confectionery store.

   (f) Dairy products store.

   (g) Delicatessen.

   (h) Drugstore.

   (i) Dry goods store.

   (j) Floral shop.

   (k) Grocery and food store.

   (l) Hardware store.

   (m) Ice cream store.

   (n) Liquor store, package.

   (o) Meat market.

   (p) Restaurants, excluding drive-in service.

   (q) Shoe store.
1. Merchant establishment, such as, but not limited to:

   (r) Sporting goods store.
   (s) Toy store.
   (t) Variety store.
   (u) Convenience store, commonly referred to as a C-Store, having no gas pumps or cash wash.

2. Personal service establishments which perform services on the premises, such as, but not limited to:

   (a) Barbershop.
   (b) Beauty shop.
   (c) Dancing school.
   (d) Dry cleaners, but not a central plant serving more than one retail outlet.
   (e) Laundry and dry cleaners, self-service only.
   (f) Music school.
   (g) Photographic studio.
   (h) Shoe repair shop.
   (i) Tailor and dressmaker.

3. Business service establishment, which perform services on the premises, such as, but not limited to:

   (a) Bank, savings and loan, and financial institution, not including drive-in facilities.
   (b) Currency exchange.
   (c) Insurance agency.
   (d) Insurance carrier.
   (e) Loan company.
   (f) Real estate office.

4. Professional office establishments, such as, but not limited to:

   (a) Attorney and law office.
(b) Chiropodist's office.

(c) Chiropractor's office.

(d) Dentist's office.

(e) Doctor's, surgeon's, and physician's office.

(f) Medical and dental clinic.

(g) Optician's office.

(h) Osteopath's office.

(i) Private clinic.

5. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:

(a) Church.

(b) Essential services, gas regulator station, telephone exchange, electric substation.

(c) Off-street parking facility.

(d) Office building.

(e) Post office.

(f) Public utility establishment.

(g) Public park and public playground.

(h) Child-care center and preschool. (Ord. 4-82, 1-19-1982; Ord. 10-95, § 8, 2-21-1995)

15.13. Special Uses Permitted: The following uses may be permitted only if specially authorized by the board of adjustment as allowed in section 23:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Automobile service station, for the sale of gas, lubricants, coolants, and minor accessories only, and the performance of incidental services, such as tire changing, battery charging, and accessory installations.

3. Drive-in banking facility.

4. Meeting halls and banquet facilities.

5. Outdoor general advertising device that advertises a group of commercial uses.
6. Residence of the proprietor of a commercial use.

7. Residence, when above the first floor and secondary to the business use of the premises.

8. Theater, indoor only.

9. Restaurant, carryout.


15.14. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Bazaar, dance and carnival; provided, however, that each permit shall be valid for a period of not more than seven (7) days; and provided, further, that a period of at least ninety (90) days shall intervene between the termination of one permit and the issuance of another permit for the same location.

2. Christmas tree sales; each such permit shall be valid for a period of not more than sixty (60) days.

3. Parking lot designated for a special event; provided, however, that each permit shall be valid only for the duration of the designated special event.

4. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one hundred eighty (180) days and may be renewed until development of the subdivision is ninety (90) percent complete or for ten (10) renewals, whichever comes first, and shall be conditioned upon the good maintenance of the sign.

5. Temporary Construction Building, Trailer Or Yard. Temporary building, trailer or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.

6. Temporary Mobile Sign. Not more than two (2) temporary mobile signs shall be permitted at any one business site for periods of thirty (30) days and one renewal of thirty (30) days. Reapplication shall not be considered sooner than ninety (90) days after the termination of the last such permit. The zoning administrator shall approve the exact placement so as not to conflict with the public safety.

7. Temporary Real Estate Office. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.
8. Temporary Office Building. To enable the operation of the business while the site is being developed. The permanent building must be approved through the site development plan process prior to allowing a temporary office building. The temporary office building shall be located within the buildable area of the lot and must comply with all other building and city code requirements. Allowed for one year and renewable for one additional year providing substantial completion (over 50 percent) of the permanent building is complete.

Once the temporary use has expired, the structure must be removed. A bond equal to one hundred fifty (150) percent of the estimated cost of returning the site to its original condition will be required at the time a permit for the temporary structure is issued. (Ord. 43-79, 9-4-1979; Ord. 3-00, 5-2-2000)

15.15. Accessory Uses Permitted: Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership on the same parcel and do not include structures or features inconsistent with the permitted use or special use.

15.16. Prohibited Uses: All uses not expressly authorized in sections 15.12, 15.13, 15.14 and 15.15 of this appendix, including, but not limited to:

1. Bar, cocktail lounge, and tavern.
2. Hotel and motel.
3. Residential uses, except as a special use.
4. Restaurant, drive-in.
5. Sign and billboard.

15.17. Site And Structure Requirements:

1. Minimum Lot Area. None required, except that each residential dwelling unit shall have a ground area of not less than five thousand (5,000) square feet.

2. Front Yard. All structures shall be set back at least twenty-five (25) feet from the front lot line.

3. Side Yard. None required; however, if a yard is provided, it shall be not less than five (5) feet. Adjoining a residential district, a side yard equal to the adjacent yard required in the abutting residential district shall be provided.

4. Rear Yard. All structures shall be set back at least twenty (20) feet from the rear lot line.

5. Maximum Height. No structure or portion thereof shall exceed a height of two (2) stories, or twenty-five (25) feet, and no accessory structure shall exceed one story or fifteen (15) feet in height.
6. Floor Area Ratio. Floor area ratio, not to exceed 1.0.

15.18. **Special Provisions:**

1. Enclosure Of Operations. All business, servicing or processing shall be conducted within completely enclosed buildings except:
   (a) Off-street parking or loading.
   (b) Accessory uses when allowed by the special exception procedure.

2. Parking Requirements. Parking requirements, in accordance with the applicable regulations set forth in section 19 of this appendix. In addition, the parking of trucks when accessory to the conduct of a permitted use shall be limited to vehicles having not over one and one-half (1 1/2) ton capacity, except for pickup and delivery services.

3. Sign Requirements. Sign requirements in accordance with the applicable regulations set forth in section 18 of this appendix.

4. Performance Standards. All activities shall conform with the performance standards established for the I-1 limited industrial district.

5. Scope Of Operations. All business establishments shall be retail trade or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold on the premises where produced.

6. Screening. Where a commercial use abuts or is across the street from a residential district, adequate screening shall be provided in accord with section 18.

**15.2. **C-2 COMMUNITY SHOPPING DISTRICT:

15.21. **Description Of District:** The C-2 community shopping district is intended to provide areas to be used as the primary shopping area for the local area and other nearby communities, transients, and for the shopping area for occupants of various business and industrial establishments. The district permits most all types of business and commercial enterprises, offices, and service establishments. This district is normally centrally located with respect to the shopping service area and located at the convergence or along the major thoroughfares of the community.

15.22. **Uses Permitted:** No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Retail businesses, which supply commodities on the premises, such as, but not limited to:
   (a) Retail businesses permitted in the C-1 district.
   (b) Appliance store.
(c) Art and school supply store.
(d) Art gallery.
(e) Automobile accessories store.
(f) Bicycle store, sales, rental and repair.
(g) Business machines store.
(h) China and glassware store.
(i) Department store.
(j) Drapery store.
(k) Floor coverings, including rugs and carpets.
(l) Furniture store.
(m) Gift shop.
(n) Hobby shop.
(o) Jewelry store.
(p) Leather goods, and luggage store.
(q) Linoleum and tile store.
(r) Locksmith.
(s) Merchandising machines, sale of products.
(t) Music store.
(u) Newsstand.
(v) Notions store.
(w) Office supplies and stationery.
(x) Paint and wallpaper store.
(y) Pet shop.
(z) Radio and television sales.
(aa) Record shop.
(bb) Tobacco shop.

(cc) Trading stamp store.

(dd) Convenience store, commonly referred to a C-Store, with car wash facilities but without gas pumps.

(ee) Restaurants, eat in or carryout.

2. Personal service establishments, which perform services on the premises, such as, but not limited to:

(a) Personal service establishments permitted in the C-1 district.

(b) Clothing rental agency.

(c) General minor repair and "fix-it" shop.

(d) Interior decorating shop.

(e) Laundry.

(f) Travel bureau.

(g) Undertaking establishment and funeral parlor.

3. Business service establishments, which perform services on the premises, such as, but not limited to:

(a) Business service establishments permitted in the C-1 district.

(b) Better business bureau.

(c) Billiard and pool hall.

(d) Blueprinting establishment.

(e) Bowling alley.

(f) Business and management consultant.

(g) Business office.

(h) Chamber of Commerce.

(i) Charitable organization.

(j) Civic association.
(k) Credit agency.
(l) Dance studio.
(m) Detective agency.
(n) Employment agency.
(o) Indoor skating rink.
(p) Insurance carrier.
(q) Investment company.
(r) Labor union and organization.
(s) Mail-order house.
(t) Merchants association.
(u) News syndicate.
(v) Newspaper office.
(w) Picture framing.
(x) Political organization.
(y) Professional membership association.
(z) Radio and television service and repair.
(aa) Real estate board.
(bb) Security and commodity broker.
(cc) Social and fraternal association.
(dd) Swimming pool.
(ee) Taxicab stand.
(ff) Theater, indoor only.
(gg) Trade association.
(hh) Meeting halls and banquet facilities.

4. Professional office establishment, such as, but not limited to:
(a) Professional office establishments permitted in the C-1 district.
(b) Accounting, auditing and bookkeeping.
(c) Artist and industrial designer.
(d) Engineering and architectural service.
(e) Laboratory, medical and dental.
(f) Landscape architect.
(g) Professional consultant.
(h) Professional office.
(i) Scientific research agency.

5. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:

(a) Public, quasi-public, and governmental buildings and facilities permitted in the C-1 district.
(b) Bus passenger station.
(c) Hospital.
(d) Museum, art gallery, library.
(e) School and college.
(f) Transit and transportation facility.
(g) Vocational school.
(h) Fitness centers.

6. Residential uses, such as, but not limited to:

(a) Apartment, only upon the following conditions:

(1) Dwelling units shall not be permitted below the second floor above ground level of the building.

(2) Dwelling units shall not be located on the same floor with any other use allowed in the C-2 district.

(3) Minimum lot area per dwelling unit shall be in accord with the following table:
Minimum Number of Bedrooms  Lot Area (sq. ft.)
Efficiency unit  600
One bedroom  800
Two bedrooms  1,000

(4) Minimum floor area per dwelling unit shall be in accord with the following table:

Minimum Number of Bedrooms  Floor Area (sq. ft.)
Efficiency unit  500
One bedroom  650
Two bedrooms  800

(5) Apartments with more than two (2) bedrooms shall not be permitted.
(b) Apartment hotel.
(c) Convalescent, nursing home, rest home or sanatorium.
(d) Dormitory, fraternity and club.
(e) Hotel and motel. (Ord. 4-89, § 1, 1-21-1989; Ord. 17-89, § 2, 7-6-1989; Ord. 10-95, § 9, 2-21-1995; Ord. 4-96, § 5, 1-2-1996)

15.23. Special Uses Permitted: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Antique shop.

3. Automobile service station for the sale of gas, lubricants, coolants, and minor accessories only, and the performance of incidental services, such as tire changing, battery charging, and accessory installations.

4. Bar, cocktail lounge and tavern.

5. Drive in banking facility.

6. Mixed or combination use retail/wholesale, when the retail is allowed within the zone, and the total square feet in which the business operates (or is located) does not exceed five thousand (5,000) square feet.

7. Residence of the proprietor of a commercial use.

8. Reserved.
9. Drive up window.


15.24. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. C-1 temporary permit uses.

15.25. Accessory Uses Permitted: Accessory uses, buildings, or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted provided they are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use.

15.26. Prohibited Uses: All uses not expressly authorized in sections 15.22, 15.23, 15.24 and 15.25 of this appendix, including, but not limited to:

1. Automobile agency.

2. Residential uses, except as a special use.

3. Restaurant, drive in.

4. Sign and billboard.

5. Used car lot.

6. Used furniture and secondhand store, other than antiques.

7. Wholesale uses, when not mixed or combined as retail/wholesale use. (Ord. 58-79, 12-18-1979; Ord. 05-02, 3-19-2002)

15.27. Site And Structure Requirements:

1. Minimum lot area. None required, except that each residential use shall have a ground area of not less than five thousand (5,000) square feet.

2. Front yard. All structures shall be set back at least twenty (20) feet from the front lot line.

3. Side yard. None required, except if a yard is provided, it shall be not less than five (5) feet. Adjoining a residential district, a side yard equal to the adjacent yard required in the abutting residential district shall be required.

(a) Outer court. The width of an outer court shall not be less than ten (10) feet, or less than one-half (1/2) of the height of each court, or less than one-half (1/2) the length of such court, whichever is greater.
(b) Inner court. The width of an inner court shall not be less than twenty (20) feet, the length shall not be less than one-half (1/2) the height of such court, and the area shall not be less than twice the square of its required least dimension.

4. Rear yard. None required, except when abutting a residential district, then a rear yard equal to the adjacent yard required in the abutting residential district shall be required.

5. Maximum height. No structure or portion thereof shall exceed a height of ten (10) stories or one hundred (100) feet, and no accessory structure shall exceed one story or fifteen (15) feet in height.

6. Floor area ratio, not to exceed 4.0. (Ord. 27-79, 7-3-1979)

15.28. Special Provisions:

1. Enclosure of operations. All business, servicing or processing shall be conducted within completely enclosed buildings, except:

   (a) Off street parking or loading.

   (b) Accessory uses when allowed by the special exception procedure.

2. Parking requirements. Parking requirements, in accordance with the applicable regulations set forth in section 19 of this appendix.

3. Sign requirements. Sign requirements, in accordance with the applicable regulations set forth in section 18 of this appendix.

4. Performance standards. All activities shall conform with the performance standards established for the industrial districts.

5. Scope of operations. All business establishments shall be retail trade or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold on the premises where produced.

6. Screening. Where an office or commercial use abuts or is across the street from a residential district, adequate screening shall be provided in accord with section 18 of this appendix.

15.3. C-3 GENERAL BUSINESS DISTRICT:

15.31. Description Of District: The C-3 general business district is intended to provide areas to be used for all types of retailing and service uses, certain wholesale and warehousing uses, and some limited industrial activities that are normally associated with commercial uses. The uses allowed are often large space uses and cater to customers who do not make frequent purchases. The market area for the permitted use extends to an area much larger than the local community. Automotive service-type uses and automobile associated uses are normally located in this district to serve passerby traffic. The district is normally located along major thoroughfares, where adequately sized parcels of land allow for large setbacks, clear vision, and safe ingress and egress.
15.32. **Uses Permitted:** No land shall be used or occupied and no building, structure or premises shall be erected, enlarged, altered, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Retail businesses, such as, but not limited to:
   
   (a) Retail businesses permitted in the C-2 district.
   
   (b) Antique shop.
   
   (c) Automobile dealer.
   
   (d) Automobile service station.
   
   (e) Boat dealer.
   
   (f) Bottled gas dealer.
   
   (g) Building services and supplies.
   
   (h) Camper sales.
   
   (i) Farm and garden supply store.
   
   (j) Fuel and ice dealer.
   
   (k) Fuel oil dealer.
   
   (l) Hay, grain and feed store.
   
   (m) Lumber yard.
   
   (n) Mobile home dealer.
   
   (o) Motorcycle sales.
   
   (p) Nursery stock.
   
   (q) Restaurant, carryout.
   
   (r) Tire, battery and accessory dealer.
   
   (s) Tombstone and monument sales.
   
   (t) Used car lot.
   
   (u) Drive-up window.
   
   (v) Adult movie theater (subject to the restrictions of section 18.8).
(w) Adult book stores (subject to the restrictions of section 18.8).

(x) Convenience store, commonly referred to as C-Store, with gas pumps and/or car wash facilities.

(y) Adult entertainment facilities (subject to the restrictions of section 18.8).

2. Personal service establishments, such as, but not limited to:

   (a) Personal service establishments permitted in the C-2 district.

   (b) Food locker rental.

   (c) Furniture cleaning.

   (d) Industrial launderer.

3. Business service establishments, such as, but not limited to:

   (a) Business service establishments permitted in the C-2 district.

   (b) Amusement park.

   (c) Automobile diagnostic center.

   (d) Automobile driving instruction.

   (e) Automobile rental.

   (f) Automobile repair shop.

   (g) Automobile undercoating service.

   (h) Bottling works.

   (i) Cartage, express and parcel delivery establishment.

   (j) Commercial greenhouse.

   (k) Commercial swimming pool.

   (l) Commercial testing laboratory.

   (m) Contractor's yard.

   (n) Disinfecting and exterminating service.

   (o) Equipment rental and leasing service.
(p) Furniture repair and reupholstery.
(q) Go-cart raceway.
(r) Golf course and country club.
(s) Lawn mower repair shop.
(t) Marina.
(u) Motorcycle service and repair.
(v) Packing and crating establishment.
(w) Paint contractor.
(x) Park, private.
(y) Repair service, large major items.
(z) Riding stable.
(aa) Septic tank cleaning service.
(bb) Sewer cleaning and rodding service.
(cc) Sign contractor.
(dd) Sign and billboard.
(ee) Swimming pool sales and service.
(ff) Taxidermist.
(gg) Tennis club.
(hh) Tire retreading and repair shop.
(ii) Towing service.
(jj) Trampoline center.
(kk) Truck terminal.
(ll) Veterinary clinic, animal hospital and kennels.
(mm) Water softener service.
(nn) Welding shop.
(oo) Window cleaning firm.

4. Professional office establishments, such as, but not limited to:
   (a) Professional office establishments, permitted in the C-2 districts.

5. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:
   (a) Public, quasi-public and governmental buildings and facilities permitted in the C-2 district.
   (b) Public service and municipal garage.
   (c) Ambulance service.

6. Residential uses, such as, but not limited to:
   (a) Convalescent, nursing home, rest home and sanatorium.
   (b) Hotel and motel.
   (c) Apartment hotel.

7. Wholesale and warehouse uses, such as, but not limited to:
   (a) Direct selling establishment, where products are stored and distributed.
   (b) Other wholesale and warehouse establishments.
   (c) Wholesale bakery.
   (d) Wholesale nursery.
   (e) Wholesale meat cutting, processing, but not including meat packing.

8. Industrial type uses, such as but not limited to:
   (a) Assembly firm, without fabrication, of completely fabricated parts.
   (b) Dairy products manufacture.

15.33. Special Uses Permitted: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.
2. Automobile, laundry or car wash.
3. Bar, cocktail lounge, and tavern.
4. Drive-in facility.
5. Mobile home park.
6. Reserved.
7. Residence of the proprietor of a commercial use.
8. Residence, when above the first floor and secondary to the business use of the premises.
9. Restaurant, drive-in.
10. Used furniture and second-hand stores.
11. Bed and breakfast inn.

15.34. **Temporary Permit Uses Permitted:** Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. C-2 temporary permit uses.

15.35. **Accessory Uses Permitted:** Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use.

15.36. **Prohibited Uses:** All uses not expressly authorized in sections 15.32, 15.33, 15.34 and 15.35, including, but not limited to:

1. Concrete mixing and asphalt plant.
2. Residential uses, except as permitted in section 15.32-6 or as a special use.

15.37. **Site And Structure Requirements:**

1. Minimum lot area. None required, except that each residential dwelling unit shall have a ground area of not less than five thousand (5,000) square feet.

2. Front yard. All structures shall be set back at least twenty (20) feet from the front lot line.

3. Side yard. None required, except if a yard is provided it shall be not less than ten (10) feet.
Adjoining a residential district, a side yard at least equal to the adjacent yard required in the residential district shall be provided.

4. Rear yard. There shall be a rear yard of not less than ten (10) percent of the depth of the lot; provided, however, such rear yard need not exceed ten (10) feet in depth. Adjoining a residential district, a rear yard equal to the adjacent yard required in the residential district shall be required.

5. Maximum height. No structure or portion thereof shall exceed a height of three (3) stories or forty-five (45) feet, and no accessory structure shall exceed one story or fifteen (15) feet in height.

6. Floor area ratio, not to exceed 2.0.

7. Mobile home parks. The maximum number of mobile homes shall not exceed a density of six (6) mobile homes per acre, and all design standards shall conform to the "Minimum Property Standards for Mobile Home Courts" published by the Federal Housing Administration.

15.38. Special Provisions:

1. Parking requirements, in accordance with the applicable regulations set forth in section 19.

2. Sign requirements, in accordance with the applicable regulations set forth in section 18.

3. Performance standards. All activities shall conform with the performance standards established for the industrial districts.

4. Outdoor sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.

5. Outdoor storage. All outdoor storage facilities for fuel, raw materials, products and all objectionable materials shall be enclosed by a fence, wall or plant materials adequate to conceal such facilities from adjacent properties and the public right-of-way.

6. Waste materials. No materials or wastes shall be deposited upon a lot in such a form that may be transferred off the property by natural causes or forces.

7. Screening. Where an office or commercial use abuts or is across the street from a residential district, adequate screening shall be provided in accord with section 18.

15.4. C-4 AUTOMOTIVE SERVICE DISTRICT:

15.41. Description Of District: This district is intended to provide certain land and structures for automotive service-type use and automobile associated uses such as drive-ins. The district is intended to be located only along major thoroughfares where adequately sized and properly located parcels of land will allow for adequate setbacks, clear vision and safe ingress and egress. Frontage roads should be provided where possible.
15.42. *Uses Permitted:* No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Retail businesses, which supply commodities on the premises, such as, but not limited to:
   
   (a) Automobile accessories store.
   
   (b) Automobile service station.
   
   (c) Boat dealer.
   
   (d) Camper sales.
   
   (e) Dairy products store.
   
   (f) Delicatessen.
   
   (g) Mobile home dealer.
   
   (h) Motor vehicle dealer.
   
   (i) Motorcycle sales.
   
   (j) Restaurant.
   
   (k) Restaurant, carryout.
   
   (l) Restaurant drive-in.
   
   (m) Tire, battery and accessory dealer.
   
   (n) Used car lot.
   
   (o) Drive-up window.
   
   (p) Convenience store, commonly referred to as C-Store, with gas pumps and/or car wash facilities.

2. Personal service establishments, which perform services on the premises, such as, but not limited to:
   
   (a) Drive-in cleaner.
   
   (b) General repair shop.
   
   (c) Undertaking establishment and funeral parlor.

3. Business service establishment, which performs services on the premises, such as, but not
limited to:

(a) Automobile diagnostic center or clinic.
(b) Automobile driving instruction.
(c) Automobile laundry and car wash.
(d) Automobile repair shop.
(e) Automobile rental.
(f) Automobile undercoating service.
(g) Commercial parking lot.
(h) Equipment rental and leasing service.
(i) Motorcycle service and repair.
(j) Repair service.
(k) Sign and billboard.
(l) Taxicab stand.
(m) Tire retreading and repair shop.
(n) Towing service.

4. Public, quasi-public and governmental buildings and facilities such as, but not limited to:

(a) Public, quasi-public and governmental buildings and facilities permitted in the C-1 district except childcare centers and preschools (centers with 7 or more children).
(b) Bus passenger station.
(c) Public service and municipal garage.
(d) Ambulance service.
(e) Parking lots, public and private.

5. Residential uses, such as, but not limited to:


15.43. Special Uses Permitted: The following uses may be permitted only if specifically
authorized by the board of adjustment as allowed in section 23 of this appendix:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Residence of the proprietor of a commercial use.

3. Residence, when above the first floor and secondary to the business use of the premises.

4. Drive-in banking facility.

5. Mobile home park.

6. Bar, cocktail lounge and tavern.

7. Childcare center and preschool.

8. Adult movie theater (subject to the restrictions of section 18.8 of this appendix).


15.44. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. C-1 temporary permit uses.

15.45. Accessory Uses Permitted: Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use.

15.46. Prohibited Uses: All uses not expressly authorized in sections 15.42 through 15.45 of this appendix, including, but not limited to:

1. Automotive salvage yard.

2. Residential uses, except as a special use.

15.47. Site And Structure Requirements:

1. Minimum Lot Area. None required, except that each residential dwelling unit shall have a ground area of not less than five thousand (5,000) square feet.

2. Front Yard. All structures shall be set back at least twenty (20) feet from the front lot line.

3. Side Yard. None required, except if a yard is provided it shall be not less than ten (10) feet. Adjoining a residential district a side yard at least equal to the adjacent yard required in the residential district shall be provided.
4. Rear Yard. There shall be a rear yard of not less than ten (10) percent of the depth of the lot; provided, however, such rear yard need not exceed ten (10) feet in depth. Adjoining a residential district, a rear yard equal to the adjacent yard required in the residential district shall be required.

5. Maximum Height. No structure or portion thereof shall exceed a height of three (3) stories, or forty-five (45) feet, and no accessory structure shall exceed one story or fifteen (15) feet in height.

6. Floor Area Ratio. Floor area ratio, not to exceed 2.0.

7. Mobile Home Park. The maximum number of mobile homes shall not exceed a density of six (6) mobile homes per acre, and all design standards shall conform to the "Minimum Property Standards for Mobile Home Courts" published by the Federal Housing Administration.

15.48. Special Provisions:

1. Parking Requirements. Parking requirements, in accordance with the applicable regulations set forth in section 19 of this appendix.

2. Sign Requirements. Sign requirements, in accordance with the applicable regulations set forth in section 18 of this appendix.

3. Performance Standards. All activities shall conform with the performance standards established for the industrial districts.

4. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of surface water.

5. Outdoor Storage. All outdoor storage facilities for fuel, raw materials, products and all objectionable materials, shall be enclosed by a fence, wall or plant materials adequate to conceal such facilities from adjacent properties and the public right-of-way.

6. Waste Materials. No materials or wastes shall be deposited upon a lot in such a form that they may be transferred off the property by natural causes or forces.

7. Screening. Where an office or commercial use abuts or is across the street from a residential district, adequate screening shall be provided in accord with section 18 of this appendix.

15.5. C-5 OFFICE/TRANSITIONAL DISTRICT:

15.51. Description Of District: The C-5 office/transitional district is intended to provide land and structures used primarily to provide office space. Some residential-type structures, for both permanent and transient occupancy and including institutions, are permitted. Commercial uses which conform to the pattern of the district are also permitted. This district is characterized by large homes suitable for use as offices or parcels of land economically desirable for the construction of new office facilities. The uses permitted are characterized by a low volume of traffic and limited outdoor advertising, so as to protect the abutting and surrounding residential districts. This district is normally small in size and is often located as a buffer between
residential and commercial areas.

15.52. *Uses Permitted:* No land shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Retail businesses, which supply commodities on the premises:
   (a) Barbershop.
   (b) Beauty shop.
   (c) Reserved.
   (d) Gift shop.
   (e) Office supplies and stationery.

2. Personal service establishments which perform services on the premises, such as, but not limited to:
   (a) Undertaking establishment and funeral parlor.

3. Business service establishments, which perform services on the premises, such as, but not limited to:
   (a) A bank, savings and loan, and financial institutions not including drive-in facilities.
   (b) Better business bureau.
   (c) Business and management consultant.
   (d) Business office, in which chattels or goods, wares or merchandise are not displayed or sold on the premises.
   (e) Chamber of commerce.
   (f) Charitable organization.
   (g) Civic organization.
   (h) Credit agency.
   (i) Detective agency.
   (j) Insurance carrier.
   (k) Insurance agency.
(l) Investment company.

(m) Labor union and organization.

(n) Mail-order house.

(o) Merchants association.

(p) Political organization.

(q) Professional membership association.

(r) Real estate board.

(s) Real estate office.

(t) Social and fraternal associations.

(u) Trade association.

4. Professional office establishments, such as, but not limited to:

(a) Accounting, auditing and bookkeeping.

(b) Artist and industrial designer.

(c) Attorney and law office.

(d) Chiropodist's office.

(e) Chiropractor's office.

(f) Dentist's office.

(g) Doctor's, surgeon's and physician's office.

(h) Engineering and architectural service.

(i) Landscape architect.

(j) Medical and dental clinic.

(k) Minister.

(l) Optician's office.

(m) Osteopath's office.

5. Public, quasi-public and governmental buildings and facilities, such as, but not limited to:
(a) Public, quasi-public and governmental buildings and facilities permitted in the C-2 district except childcare centers and preschools (centers with 7 or more children).

(b) Parking lots, public and private.

6. Residential use, such as, but not limited to:

   (a) Apartment hotel.

   (b) Convalescent, nursing home, rest home and sanatorium.

   (c) Dormitory, fraternity and club.


15.53. **Special Uses Permitted:** The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Antique shop.

3. Bar, cocktail lounge and tavern.

4. Drive-in banking facility.

5. Home occupation.

6. Reserved.

7. Childcare center and preschool.

8. Restaurant, excluding drive-in service.

9. Drugstore, limited to goods normally associated with drugs, pharmaceutical products and healthcare products not to include other retail merchandise.

10. Drive-up window.

11. Meeting halls and banquet facilities.

12. Bed and breakfast inn.


14. Two-family dwelling.

15. Heating and air conditioning/nonmanufacturing. (Ord. 28-79, 7-3-1979; Ord. 43-79, 9-4-

15.54. **Temporary Permit Uses Permitted:** Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. C-1 temporary permit uses.

15.55. **Accessory Uses Permitted:** Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership on the same parcel and do not include structures or features inconsistent with the permitted use or special use.

15.56. **Prohibited Uses:** All uses not expressly authorized in sections 15.52 through 15.55 of this appendix, including, but not limited to:

1. Health and reducing studio.

2. Sign and billboard.

15.57. **Site And Structure Requirements:**

1. Minimum Lot Area. None required, except that each residential use shall have a ground area of not less than five thousand (5,000) square feet for single-family use, nine thousand (9,000) square feet for two-family use, twelve thousand (12,000) square feet for multi-family use with at least three thousand five hundred (3,500) square feet for each multi-family dwelling unit of one or two (2) bedrooms, with an additional five hundred (500) square feet for each bedroom over two (2) bedrooms in the multi-family units, and shall be designed, provided and continuously maintained for each residential-type use.

2. Front Yard. All structures shall be set back at least twenty (20) feet from the front lot line.

3. Side Yard. None required; however, if a yard is provided, it shall be not less than five (5) feet. Adjoining a residential district, a side yard equal to the adjacent yard required in the abutting residential district shall be provided. If adjacent to an existing residential use in a C-5 district, a side yard of not less than six (6) feet shall be provided.

4. Rear Yard. All structures shall be set back at least twenty (20) feet from the rear lot line.

5. Maximum Height. No structure or portion thereof shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet.

6. Floor Area Ratio. Floor area ratio, not to exceed 1.5.

15.58. **Special Provisions:**

1. Enclosure Of Operations. All business servicing or processing shall be conducted within completely enclosed buildings except:
(a) Off-street parking or loading.

(b) Accessory uses when allowed by the special exception procedure.

2. Parking Requirements. Parking requirements, in accordance with the applicable regulations set forth in section 19 of this appendix. In addition, the parking of trucks when accessory to the conduct of a permitted use shall be limited to vehicles having not over one and one-half (1 1/2) tons capacity, except for pick-up and delivery services.

3. Sign Requirements. Sign requirements, in accordance with the applicable regulations set forth in section 18 of this appendix.

4. Performance Standards. All activities shall conform with the performance standards established for the industrial districts.

5. Scope Of Operations. All business establishments shall be retail trade or service establishments dealing directly with consumers, and all goods produced on the premises shall be sold on the premises where produced.

6. Screening. Where a commercial use abuts or is across the street from a residential district, adequate screening shall be provided in accord with section 18 of this appendix.

15.6. C-6 OFFICE AND RESEARCH PARK DISTRICT:

15.61. Description Of District: The C-6 office and research park district is intended to provide land for large, attractively landscaped sites primarily along an interstate corridor. The area is appropriate for regional and/or national businesses and offices, including research activities and some specialized nonobjectionable industrial activities, which can take advantage of the proximity to the interstate but are of low intensity and sufficiently restricted to be compatible with adjacent residential and commercial developments. The area is intended to have a "park-like" atmosphere conducive to quality development. No outdoor storage is allowed in this district, and all operations must be in an enclosed building. (Ord. 56-77, 10-18-1977; Ord. 5-93, § 1, 2-2-1993)

15.62. Uses Permitted: No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Commercial uses:
   (a) Restaurant, excluding drive-in service.

2. Business service and/or office establishments, such as, but not limited to:
   (a) Bank, savings and loan, currency exchange and financial institution, not including drive-in facilities.
   (b) Insurance company headquarters.
(c) International headquarters.

(d) Medical clinic.

(e) Meeting hall/convention facility.

(f) Merchandise and product display space, but no direct sales.

(g) Office building.

(h) Personnel training center, including dormitory facilities.

(i) Regional sales office.

3. Industrial-type uses, such as, but not limited to:

(a) Assembly firm (of completely fabricated parts).

(b) Computer and electronic industry.

(c) Firm involved in the servicing, packaging, or storage of commodities produced in the C-6 district.

(d) Laboratory.

(e) Pharmaceutical industry.

(f) Printing, blueprinting, publishing and lithography establishment.

(g) Research firm.

4. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:

(a) Essential services, gas-regulator station, telephone exchange, electric substation.

(b) Hospital.

(c) Museum, art gallery, library.

(d) Office building.

(e) Post office.

(f) Public park and playground.

(g) Public utility garage or water reservoir.

(h) Vocational school or college.
(i) Parking lots, public and private.

5. Residential uses, such as, but not limited to:

(a) Hotel and motel. (Ord. 56-77, 10-18-1977; Ord. 5-93, § 2, 2-2-1993; Ord. 33-94, 11-15-1994)

15.63. Special Uses Permitted: The following uses shall be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Automobile car wash.

3. Automobile diagnostic center.

4. Automobile service station.

5. Bank, drive-in.

6. Bar, cocktail lounge, and tavern.

7. Childcare center and preschool.

8. Engineering and industrial testing firms.


10. Retail or business service intended to serve the permitted uses within the district and not dependent upon the direct visits of retail customers.

11. Residence of the proprietor, caretaker, or watchman, when located on the premises of the commercial or industrial use. (Ord. 56-77, 10-18-1977; Ord. 4-82, 1-19-1982; Ord. 5-93, § 4, 2-2-1993)

15.64. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Temporary Construction Building, Trailer Or Yard. Temporary building, trailer or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

2. Temporary Office Building. To enable the operation of the business while the site is being developed. The permanent building must be approved through the site development plan process prior to allowing a temporary office building. The temporary office building shall be located within the buildable area of the lot and must comply with all other building and city
code requirements. Allowed for one year and renewable for one additional year providing substantial completion (over 50 percent) of the permanent building is complete.

Once the temporary use has expired, the structure must be removed. A bond equal to one hundred fifty (150) percent of the estimated cost of returning the site to its original condition will be required at the time a permit for the temporary structure is issued. (Ord. 56-77, 10-28-1977; Ord. 3-00, 5-2-2000)

15.65. **Accessory Uses Permitted:** Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use. Accessory uses may include, but are not limited to:

1. Bar and cocktail lounge in conjunction with a hotel or motel and restaurant combination.
2. Warehouses in conjunction with a permitted or special use. (Ord. 56-77, 10-18-1977)

15.66. **Prohibited Uses:** All uses not expressly authorized in sections 15.62 through 15.65 of this appendix, including, but not limited to:

1. Auto service station.
2. Restaurant, drive-in.
3. Retail businesses, except as noted in section 15.62 of this appendix.

15.67. **Site And Structure Requirements:**

1. Minimum Lot Area. A separate ground area of not less than twenty thousand (20,000) square feet, shall be designated, provided, and continuously maintained for each structure or land containing a permitted or special use.
2. Minimum Lot Width. A minimum lot width of one hundred (100) feet shall be provided for each lot used for a permitted or special use.
3. Front Yard. All structures shall be set back at least fifty (50) feet from the front lot line. Said front yard shall be completely landscaped as outlined by section 18 of this zoning ordinance.
4. Side Yard. All structures shall be set in from the side lot line a distance of not less than ten (10) feet on the least side, with the sum of the two (2) sides not less than twenty-five (25) feet.
5. Rear Yard. All structures shall be set back a distance of not less than fifty (50) feet from the rear lot line.
6. Maximum Height. No structure or portion thereof shall exceed a height of three (3) stories or forty-five (45) feet.

7. Floor Area Ratio. Floor area ratio, not to exceed 1.0.

8. Maximum Lot Coverage. Not more than forty (40) percent of the lot area may be occupied by buildings and structures, including accessory buildings. (Ord. 56-77, 10-18-1977; Ord. 29-89, § 1, 11-7-1989; Ord. 47-91, §§ 1-3, 10-15-1991)

15.68. Special Provisions:

1. Enclosure Of Operation. All business and industrial operations, except off-street parking and loading, shall take place within completely enclosed buildings.

2. Parking Requirements. Parking requirements, in accordance with the applicable regulations set forth in section 19 of this appendix.

3. Sign Requirements. Sign requirements, in accordance with the applicable regulations set forth in section 18 of this appendix.

4. Performance Standards. All activities shall conform with the performance standards established for the I-1 limited industrial district.

5. Screening. Where an office, commercial or industrial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided in accordance with section 18 of this appendix.

6. Lighting. All lighting shall be shielded from adjacent residential districts.

7. Outdoor Storage. No outdoor storage shall be permitted. (Ord. 56-77, 10-18-1977)

15.7 C-7 Public Gathering and Recreational Activity District:

15.71. Description Of District: The C-7 public gathering and recreational activity district is intended to provide areas for entertainment and commercial uses. The uses permitted are characterized by large public gatherings having high volumes of traffic, noise and disruption potential, and being located adjacent to high-volume traffic streets and highways. Such facilities are expected to have large groups of people for relatively short periods of time which may be conducted on a seasonal basis. The area is characterized by large parcels and large parking areas and containing buildings and ground facilities capable of handling large groups of people at one time. Residential development is allowable if granted by board of adjustment through a special use permit. Residential development would be for those who prefer to live close to entertainment/commercial facilities. (Ord. 11-85, 6-18-1985; Ord. 24-90, § 1, 5-15-1990; Ord. 7-00, 6-6-2000)

15.72. Uses Permitted: No land shall be used or occupied and no building, structure or other premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:
1. Commercial uses:
   (a) Recreational gaming facilities.
   (b) Fairgrounds, such as amusement rides, games, arcades, cattle and livestock exposition.
   (c) Exhibition centers containing exhibition halls and meeting and outdoor display areas (retail sales space, restaurants with lounge, recreational activities, etc.).
   (d) Marina and related marina services.
   (e) Bar, cocktail lounge and tavern.

2. Business service and/or other establishments, such as, but not limited to:
   (a) Restaurant.
   (b) Hotel and motel.
   (c) Recreational vehicle park and/or storage.
   (d) Transportation depot.
   (e) Public or private cultural facilities.
   (f) Convenience store with gas sales.

3. Public, quasi-public and governmental buildings and facilities, such as, but not limited to:
   (a) Essential services, gas regulator stations, telephone exchange, electric substations.
   (b) Public utility garage or water reservoir.
   (c) Public park and public playground.
   (d) Public parking garages.

15.73. Special Uses Permitted: The following uses shall be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.
2. Gasoline service station.
3. Private parking facilities.
4. Bed and breakfast inn.

5. Bed and breakfast hotel.

6. One sign which exceeds the height and size requirements, provided it is placed in such a manner as not to harm neighboring property owners.

7. Residential uses meeting the minimum site and structure requirements in the R-5, multi-family residential district. (Ord. 11-85, 6-18-1985; Ord. 24-90, § 1, 5-15-1990; Ord. 34-91, § 10, 8-6-1991; Ord. 18-92, § 2, 5-19-1992; Ord. 42-92, § 2, 10-6-1992; Ord. 7-00, 6-6-2000)

15.74. **Temporary Permit Uses Permitted:** Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Temporary Construction Building, Trailer Or Yard. Temporary building, trailer or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

2. Outdoor Concerts Or Performances. Outdoor sound-amplified concerts or public performances.

3. Temporary Office Building. To enable the operation of the business while the site is being developed. The permanent building must be approved through the site development plan process prior to allowing a temporary office building. The temporary office building shall be located within the buildable area of the lot and must comply with all other building and city code requirements. Allowed for one year and renewable for one additional year providing substantial completion (over 50 percent) of the permanent building is complete.

Once the temporary use has expired, the structure must be removed. A bond equal to one hundred fifty (150) percent of the estimated cost of returning the site to its original condition will be required at the time a permit for the temporary structure is issued. (Ord. 11-85, 6-18-1985; Ord. 24-90, § 1, 5-15-1990; Ord. 3-00, 5-2-2000)

15.75. **Accessory Uses Permitted:** Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use. Accessory uses may include, but are not limited to:

1. Storage structures and maintenance facilities. (Ord. 11-85, 6-18-1985; Ord. 24-90, § 1, 5-15-1990)

15.76. **Prohibited Uses:** All uses not expressly authorized in sections 15.72, 15.73, 15.74, and 15.75 of this appendix. (Ord. 11-85, 6-18-1985; Ord. 24-90, § 1, 5-15-1990)

15.77. **Site And Structure Requirements:**
1. Minimum Lot Area. A separate ground area of not less than twenty (20) acres shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

2. Minimum Lot Width. A minimum lot width of five hundred (500) feet shall be provided for each lot used for a permitted or special use.

3. Front Yard. All structures shall be set back at least one hundred (100) feet from the front lot line. Said front yard shall be completely landscaped as outlined by section 18 of this zoning ordinance.

4. Side Yard. All structures shall be set back a distance of not less than fifty (50) feet from the side lot line.

5. Rear Yard. All structures shall be set back a distance of not less than fifty (50) feet from the rear lot line.

6. Maximum Height. No structure or portion thereof shall exceed a height of seventy-five (75) feet.

7. Floor Area Ratio. Floor area ratio, not to exceed 1.0.

8. Maximum Lot Coverage. Not more than forty (40) percent of the lot area may be occupied by buildings and structures, including accessory buildings.

9. Setbacks. The setbacks specified under subsections 3, 4, and 5 of this section may be reduced by up to one-half (1/2) when the owner uses the setbacks to provide additional landscaping to screen the property or take other means to decrease the impact to adjacent property caused by the unique congestion associated with C-7 districts. (Ord. 11-85, 6-18-1985; Ord. 24-90, § 1, 5-15-1990)

15.78. Special Provisions:

1. Parking. Parking requirements, in accordance with the applicable regulations set forth in section 19 of this appendix.

2. Signs. Sign requirements, in accordance with the applicable regulations set forth in section 18 of this appendix.

3. Lighting. All lighting shall be shielded from adjacent residential zoning districts. (Ord. 11-85, 6-18-1985; Ord. 24-90, § 1, 5-15-1990)

SECTION 16. INDUSTRIAL DISTRICTS

16.0. PURPOSE:

The industrial district regulations are intended to govern the location, intensity and method of development of the industrial areas of Bettendorf, Iowa. The regulations are designed to provide for the grouping together of industries that are compatible to one another and that are...
not objectionable to the community as a whole. The regulations preserve lands for industrial and allied uses and prohibit the intrusion of residential and other noncompatible uses into the industrial area. The performance of the industrial uses is regulated by establishing standards for the external effects of noise, smoke, vibration and other potential nuisances. All industrial uses are contained in the following three (3) industrial districts:

I-1  Limited Industrial District

I-2  General Industrial District

I-3  Heavy Industrial District

16.1. I-1 LIMITED INDUSTRIAL DISTRICT:

16.11. Description Of District: The I-1 limited industrial district is intended to provide lands for development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the operations of most manufacturing, wholesaling, and warehousing activities with adequate protection to adjacent district uses and sufficient control of external effects to protect one industry from another. Some commercial business services are permitted that require large tracts of land to operate and therefore are not economically feasible or desirable to be located in a conventional commercial district. No outdoor storage is allowed in this district, and all industrial operations must be in an enclosed building. All uses must comply with the performance standards. (Ord. 5-93, § 5, 2-2-1993)

16.12. Uses Permitted: No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Industrial-type uses, such as, but not limited to:
   (a) Assembly firm, without fabrication, or completely fabricated parts.
   (b) Computer and electronic industries.
   (c) Firm involved in the servicing, packaging, or storage of commodities produced in the I-1 district.
   (d) Laboratory and research firm involved in the research, experimentation or testing of materials, goods, or products.
   (e) Pharmaceutical industry.
   (f) Printing, publishing, and lithography establishment.

2. Wholesale and warehouse uses, such as, but not limited to:
   (a) Direct selling establishment, where products are stored and distributed.
   (b) Self storage facilities.
(c) Wholesale and warehouse establishment that deals in commodities which are the product of a use permitted in the I-1 district.

3. Commercial uses, such as, but not limited to:
   (a) Blueprinting establishment.
   (b) Cartage, express, and parcel delivery.
   (c) Engineering/industrial testing firm.
   (d) Meeting hall/convention facility.
   (e) Professional office.

4. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:
   (a) Essential services, gas-regulator station, telephone exchange, electric substation.
   (b) Hospital.
   (c) Office building.
   (d) Public park and playground.
   (e) Public service/municipal garage and related facilities.
   (f) Public utility establishment.
   (g) Vocational school.
   (h) Water filtration plant.
   (i) Water reservoir.
   (j) Parking lots, public and private.

5. Residential uses, such as, but not limited to:

16.13. **Special Uses Permitted**: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Childcare center and preschool.
3. Golf driving range.

4. Radio and television studio, station, and transmission tower.

5. Retail or business services intended to serve the permitted uses within the district and not dependent upon the direct visit of retail customers.

6. Residence of the proprietor, caretaker, or watchman, when located on the premises of the commercial or industrial use.

7. Truck terminal.


16.14. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Subdivision Sign. Real estate subdivision sign not to exceed one hundred (100) square feet for each face. Sign shall be nonilluminated. Each permit shall specify the location of the sign. Each such permit shall be valid for a period of not more than one hundred eighty (180) days and may be renewed until the development of the subdivision is ninety (90) percent complete or for ten (10) renewals, whichever comes first, and shall be conditioned upon the good maintenance of the sign.

2. Temporary Construction Building, Trailer Or Yard. Temporary building, trailer or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location.

3. Temporary Real Estate Office. Temporary office, both incidental and necessary for the sale or rental of real property. Each permit shall specify the location of the office and the area of permitted operation. Each such permit shall be valid for a period of not more than one year and shall not be renewed for more than five (5) successive periods at the same location.

4. Temporary Office Building. To enable the operation of the business while the site is being developed. The permanent building must be approved through the site development plan process prior to allowing a temporary office building. The temporary office building shall be located within the buildable area of the lot and must comply with all other building and city code requirements. Allowed for one year and renewable for one additional year providing substantial completion (over 50 percent) of the permanent building is complete.

Once the temporary use has expired, the structure must be removed. A bond equal to one hundred fifty (150) percent of the estimated cost of returning the site to its original condition will be required at the time a permit for the temporary structure is issued. (Ord. 43-79, 9-4-1979; Ord. 3-00, 5-2-2000)

16.15. Accessory Uses Permitted: Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be
permitted, provided they are operated and maintained under the same ownership on the same parcel, and do not include structures or features inconsistent with the permitted use or special use.

16.16. **Prohibited Uses:** All uses not expressly authorized in sections 16.12, 16.13, 16.14 and 16.15 of this appendix including, but not limited to:

1. Automotive salvage yard, including wrecking and dismantling.
2. Commercial farm and feed yard.
3. Drive-in restaurant.
4. Manufacture and wholesale storage of ammunition, dynamite and other high explosives.
5. Public and parochial school.
6. Residential uses, except for hotels and motels and residential uses when permitted as a special use. (Ord. 5-93, § 8, 2-2-1993)

16.17. **Site And Structure Requirements:**

1. Minimum Lot Area. A separate ground area, of not less than twenty thousand (20,000) square feet, shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

2. Minimum Lot Width. A minimum lot width of one hundred (100) feet shall be provided for each lot used for a permitted or special use.

3. Front Yard. All structures shall be set back at least twenty-five (25) feet from the front lot line.

4. Side Yard. All structures shall be set in from the side lot line a distance of not less than ten (10) feet on the least side, with the sum of the two (2) sides not less than twenty-five (25) feet.

5. Rear Yard. All structures shall be set in a distance of not less than fifty (50) feet from the rear lot line.

6. Maximum Height. No structure or portion thereof shall exceed a height of two (2) stories or twenty-five (25) feet.

7. Floor Area Ratio. Floor area ratio, not to exceed 0.6.

8. Maximum Lot Coverage. No more than forty (40) percent of the lot area may be occupied by buildings and structures, including accessory buildings. (Ord. 5-93, § 23, 2-2-1993)

16.18. **Special Provisions:**

1. Parking. Parking requirements, in accordance with the applicable regulations set forth in
section 19 of this appendix.

2. Sign requirements, in accordance with the applicable regulations set forth in section 18.

3. Performance standards. Any use established in this district after the effective date of this ordinance shall be so operated as to comply with the performance standards governing: (a) noise; (b) vibration; (c) smoke and particulate matter; (d) toxic matter; (e) odorous matter; (f) fire and explosive hazards; (g) glare; and (h) radiation hazards, as set forth.

Where the performance standards required by this ordinance are less restrictive than comparable requirements imposed by any other law, ordinance, resolution, rule or regulation of any kind of the State of Iowa or another governmental agency, the more restrictive shall govern. Uses already established on the effective date of this ordinance shall be permitted to be altered, enlarged, expanded or modified provided that the additions or changes comply with said performance standards.

(a) Noise. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of very short duration, as from forge hammers, punch presses and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer, octave band analyzers calibrated in the preferred frequencies (United State of America Standard S16-1967, Preferred Frequencies for Acoustical Measurements) shall be used in the table headed "Octave Band, Preferred Frequencies." Octave band analyzers calibrated with the pre-1960 octave bands (U.S.A.S. Z24.10-1953, Octave Band Filter Set) shall be used with the tables headed "Octave Band, Pre-1960."

The following uses and activities shall be exempt from the noise level regulations:

(1) Noises not directly under the control of the property user.

(2) Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 a.m. Such activities are those which are nonroutine operations accessory to the primary activities and which are temporary in nature, or conducted infrequently.

(3) The noises of safety signals, warning devices, and emergency pressure relief valves which are used infrequently.

(4) Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

The decibel values specified for residence districts shall be reduced by five (5) decibels between the hours of 7:00 p.m. and 7:00 a.m. Noises from "essential services" are excluded from this nighttime reduction. The generation of noise shall not exceed the decibel limits prescribed below.

**Maximum Permitted Sound Levels**

<table>
<thead>
<tr>
<th>Decibels (Re. .0002 Microbar)</th>
</tr>
</thead>
</table>

Also, impact noises measured on an impact noise analyzer shall not exceed the following peak intensities:

<table>
<thead>
<tr>
<th>Octave Band Pre-1960 (Cycles per sec.)</th>
<th>Neighboring Lot</th>
<th>Residence District</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>-</td>
<td>75</td>
</tr>
<tr>
<td>75</td>
<td>-</td>
<td>150</td>
</tr>
<tr>
<td>150</td>
<td>-</td>
<td>300</td>
</tr>
<tr>
<td>300</td>
<td>-</td>
<td>600</td>
</tr>
<tr>
<td>600</td>
<td>-</td>
<td>1,200</td>
</tr>
<tr>
<td>1,200</td>
<td>-</td>
<td>2,400</td>
</tr>
<tr>
<td>2,400</td>
<td>-</td>
<td>4,800</td>
</tr>
<tr>
<td>Above 4,800</td>
<td>39</td>
<td>32</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Octave Band Preferred Freq. (Cycles per Sec.)</th>
<th>Neighboring Lot</th>
<th>Residence District</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>83</td>
<td>76</td>
</tr>
<tr>
<td>63</td>
<td>78</td>
<td>71</td>
</tr>
<tr>
<td>125</td>
<td>72</td>
<td>65</td>
</tr>
<tr>
<td>250</td>
<td>64</td>
<td>57</td>
</tr>
<tr>
<td>500</td>
<td>57</td>
<td>50</td>
</tr>
<tr>
<td>1,000</td>
<td>51</td>
<td>45</td>
</tr>
<tr>
<td>2,000</td>
<td>46</td>
<td>39</td>
</tr>
<tr>
<td>4,000</td>
<td>41</td>
<td>34</td>
</tr>
<tr>
<td>8,000</td>
<td>38</td>
<td>32</td>
</tr>
</tbody>
</table>

Also, impact noises measured on an impact noise analyzer shall not exceed the following peak intensities:

<table>
<thead>
<tr>
<th>Lot Neighboring District Residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall peak</td>
</tr>
<tr>
<td>86 80</td>
</tr>
</tbody>
</table>

(b) **Vibration.** In this district no activity or operation shall cause or create earthborne vibrations in excess of the displacement values given below:

Measurements shall be made at or beyond the adjacent lot line or nearest residence district boundary line, as described below. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum vector shall be less than the vibration displacement permitted.

The maximum permitted displacements shall be permitted in each district by the following formula:

\[ D = K \]
Where:  
\( D \) = Displacement in inches

\( K \) = A constant to be determined by reference to the following tables

\( f \) = The frequency of the vibration transmitted through the ground, cycles per second.

The maximum earth displacement permitted at the points described below shall be determined by use of the formula in the preceding 3.(b) paragraph and the appropriate \( K \) constant shown as follows:

Values of \( K \) to be used in vibration formula:

\[ K \]

In any neighboring lot:

a. Continuous 0.008
b. Impulsive 0.015
c. Less than 8 pulses per 24-hour period 0.037

In any residence district:

a. Continuous 0.003
b. Impulsive 0.006
c. Less than 8 pulses per 24-hour period 0.015

(c) \textit{Smoke And Particulate Matter}. The standards and controls of the Quad City Regional Air Pollution Control Board with reference to smoke and particulate matter shall be the controlling regulation in Bettendorf. However, in the absence of such control the following shall be the controlling standard:

For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart described in the U.S. Bureau of Mines Information Circular 8333 (May 1967) shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity equal to or greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, wetting or other acceptable means.

No operation shall cause or allow to be emitted into the open air from any process or control equipment or to pass any convenient measuring point in a breaching or stack, particulate matter in the gases that exceeds 0.35 grains per standard cubic foot (seventy (70) degrees Fahrenheit and 14.7 psia) of gases during any one hour.

Particulate matter loadings in pounds per acre described below shall be determined by
selecting a continuous four (4) hour period which will result in the highest average emission rate.

The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 1 is prohibited. However, for two (2) minutes in any four (4) hour period, smoke up to and including Ringelmann No. 2 shall be permitted.

The rate of emission of particulate matter from all vents and stacks within the boundaries of any lot shall not exceed 0.5 pounds per hour per acre of lot area.

(d) Toxic matter. The release of airborne toxic matter shall not exceed one-eighth (1/8) of the "Threshold Limit Values for 1967" as adopted by the American Conference of Governmental Industrial Hygienists, when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous twenty-four (24) hour period.

If a toxic substance is not listed, the applicant shall satisfy the city that the proposed level will be safe and not detrimental to the public health or injurious to plant and animal life.

(e) Odorous matter. When odorous matter is released from any operation, activity or use, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation.

(f) Fire and explosion hazards.

1. Detonable materials. The storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds.

Such materials shall include but are not limited to: All primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than thirty-five (35) percent.

2. Flammable solids. The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intensive burning is permitted, provided said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having not less than two (2) hour fire resistant exterior walls and protected with an automatic fire extinguishing system.

3. Flammable liquids and gases. The storage, utilization or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Aboveground flammable liquids and gas storage tanks shall not be less than fifty (50) feet from all lot
lines. Flammable liquids and gases in original sealed containers fifty-five (55) gallons liquid capacity or less may be stored or utilized without restrictions

*Total Capacity of Flammable Materials*

*Permitted (In Gallons)*

<table>
<thead>
<tr>
<th>(Within Enclosed Buildings)</th>
<th>Aboveground</th>
<th>Underground</th>
</tr>
</thead>
<tbody>
<tr>
<td>Materials having a closed cup flash point over 187 degrees but less than 300 degrees Fahrenheit</td>
<td>20,000</td>
<td>100,000</td>
</tr>
<tr>
<td>From and including 105 degrees Fahrenheit to and including 187 degrees Fahrenheit</td>
<td>10,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Materials having a closed cup flash point of less than 105 degrees Fahrenheit</td>
<td>3,000</td>
<td>100,000</td>
</tr>
</tbody>
</table>

When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed above.

(g)*Glare.* Any operation or activity producing glare at night shall be conducted so that direct and indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half (1/2) foot-candle when measured in a residence district or commercial district where a residential use is permitted. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

(h)*Radiation hazards.* Release outside property lines: The release of radioactive materials or the emission of ionizing radiation outside of property lines shall be in accordance with the rules and regulations of the State of Iowa and/or the Atomic Energy Commission.

Unsealed radioactive materials: Unsealed radioactive materials shall not be manufactured, utilized or stored (except when such materials are stored in a radioactive-proof container stored at or below ground level).

4. *Screening.* Where a office, commercial or industrial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided in accordance with section 18.

5. *Outdoor sales.* All outdoor sales space shall be provided with a permanent durable and dustless surface and shall be graded and drained as to dispose of all surface water.

6. *Outdoor storage.* No outdoor storage shall be permitted.

7. *Enclosure of use.* All industrial operations, including off-street loading space shall take place within completely enclosed buildings, unless otherwise specified.

16.2. **I-2 GENERAL INDUSTRIAL DISTRICT:**

16.21. *Description Of District:* The I-2 general industrial district is intended to provide lands for development by most types of industrial firms. The regulations are designed to permit
operations in a clean and quiet manner and to protect adjacent district uses and industries within the district. Further development of residences is prohibited in this district to keep homes from absorbing any adverse effects of the industries and to conserve the supply of industrial land for industrial use. All uses must comply with the performance standards.

16.22. Uses Permitted: No land shall be used or occupied and no building, structure or premise shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Industrial-type uses, such as, but not limited to:

   (a) Industrial-type uses permitted in the I-1 district.

   (b) Agricultural building and structure.

   (c) Automotive salvage yard, if in a completely enclosed building.

   (d) Firms involved in the servicing, packaging, cleaning, repair and storage of materials, goods and products.

   (e) Industrial firms involved in the fabrication, processing, production, compounding and manufacturing of materials, goods and products.

   (f) Planing mill and saw mill, if in a completely enclosed building.

   (g) Railroad freight station, but not including switching, storage, freight yards and maintenance facilities.

   (h) Storage and sale of trailers, farm implements and other similar equipment on an open lot.

2. Wholesale and warehouse uses, such as, but not limited to:

   (a) Wholesale and warehouse uses permitted in the I-1 district.

   (b) Warehouse.

   (c) Wholesale establishment.

   (d) Storage of household goods.

3. Commercial uses.

   (a) Commercial uses permitted in the I-1 district.

   (b) Business establishments.

      (1) Bottled gas dealer.
(2) Bottling works.

(3) Building services and supplies.

(4) Cartage, express and parcel delivery establishment.

(5) Commercial greenhouse.

(6) Commercial testing laboratory.

(7) Contractor's yard.

(8) Fuel oil dealer.

(9) Sign and billboard.

(10) Sign contractor.

(11) Tire retreading and repair shop.

(12) Truck terminal.

4. Public, quasi-public, and governmental buildings and facilities, such as, but not limited to:

(a) Public, quasi-public, and governmental buildings and facilities permitted in the I-1 district.

(b) Animal pound and shelter.

(c) Transit and transportation facility.

(d) Parking lots, public and private. (Ord. 5-93, §§ 10, 11, 2-2-1993; Ord. 33-94, 11-15-1994)

16.23. **Special Uses Permitted**: The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix:

1. Similar and compatible uses to those allowed as "permitted uses" in this district.

2. Childcare center and preschool.

3. Concrete and asphalt mixing.

4. Golf driving range.

5. Hospital.

6. Hotel and motel.
7. Power generating station.

8. Retail or business services intended to serve the permitted uses within the district and not dependent upon the direct visit of retail customers.

9. Mining and/or the extraction of materials, sand, gravel, topsoil or other aggregates, including equipment, buildings, or structures for screening, crushing, mixing, washing, or storage provided that:
   
   (a) No open pit or shaft shall be less than two hundred (200) feet from any public road.

   (b) All buildings or structures shall be located not less than two hundred (200) feet from any property line.

   (c) The borders of the property shall be fenced with a solid fence or wall at least six (6) feet in height when the property is adjacent to or across the street from any district other than an industrial district.

   (d) A plan of development of the reclamation of the land shall be provided as part of the application for special use. The plan of development shall be accompanied by a written agreement between the owner or his agent and Bettendorf, and a performance bond in an amount equal to the cost of the reclamation of the land as set forth in the development plan.

10. Residence of the proprietor, caretaker, or watchman, when located on the premises of the commercial or industrial use.

11. Sewage treatment plant.

12. Concrete block manufacturing. (Ord. 4-82, 1-19-1982; Ord. 5-93, § 12, 2-2-1993; Ord. 20-98, 7-21-1998)

16.24. Temporary Permit Uses Permitted: Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Temporary permit uses permitted in the I-1 district.

16.25. Accessory Uses: Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel and do not include structures or features inconsistent with the permitted use or special use, including, but not limited to:

1. Office. (Ord. 5-93, § 13, 2-2-1993)

16.26. Prohibited Uses: All uses not expressly authorized in sections 16.22 through 16.25 of this appendix including, but not limited to:

1. Prohibited uses listed in the I-1 district.
16.27. Site And Structure Requirements:

1. Minimum Lot Area. A separate ground area, of not less than twenty thousand (20,000) square feet, shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

2. Minimum Lot Width. A minimum lot width of one hundred (100) feet shall be provided for each lot used for a permitted or special use.

3. Front Yard. All structures shall be set back at least twenty-five (25) feet from the front lot line.

4. Side Yard. All structures shall be set in from the side lot line a distance of not less than ten (10) feet on the least side, with the sum of the two (2) sides not less than twenty-five (25) feet.

5. Rear Yard. None required, unless required by bufferyard requirements in section 18.6 of this appendix.

6. Maximum Height. No structure or portion thereof shall exceed a height of three (3) stories or thirty-five (35) feet when within two hundred (200) feet of any residential district. Beyond two hundred (200) feet from a residential district one additional foot in height may be added for each two (2) feet of horizontal distance beyond two hundred (200) feet.

7. Floor Area Ratio. Floor area ratio, not to exceed 1.5.

8. Maximum Lot Coverage. Not more than fifty (50) percent of the lot area may be occupied by buildings and structures, including accessory buildings. (Ord. 5-93, § 24, 2-2-1993)

16.28. Special Provisions:

1. Parking Requirements. Parking requirements, in accordance with the applicable regulations set forth in section 19 of this appendix.

2. Sign Requirements. Sign requirements, in accordance with applicable regulations set forth in section 18 of this appendix.


4. Screening. Where an office, commercial or industrial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided, in accordance with section 18 of this appendix.

5. Outdoor Sales. All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.

6. Outdoor Storage. The outdoor storage of materials, products and goods is permitted if screened from adjacent properties and the public right-of-way. Outdoor storage of uncontained bulk materials is prohibited.

7. Enclosure Of Uses. All industrial operations, except off-street loading space, shall take place
within completely enclosed buildings, unless otherwise specified.

**16.3. I-3 HEAVY INDUSTRIAL DISTRICT:**

16.31. *Description Of District:* The I-3 heavy industrial district is intended to provide lands for use by heavy or intense industries. The district is designed primarily for manufacturing, assembling, and fabricating activities including large scale or specialized operations whose external effects will be felt to some degree by surrounding districts. Less restriction is placed upon outdoor use and storage, although such use must conform to the "performance standards" of the district. Certain uses having a nuisance potential, are permitted only in this district, and there only be special use permit. All uses must comply with the performance standards. (Ord. 5-93, § 14, 2-2-1993)

16.32. *Uses Permitted:* No uses shall be used or occupied and no building, structure or premises shall be erected, altered, enlarged, occupied or used, except as otherwise provided in this ordinance, for other than one or more of the following specified uses:

1. Industrial-type uses, such as, but not limited to:
   
   (a) Industrial-type uses permitted in the I-2 district.
   
   (b) Cement block manufacture.
   
   (c) Concrete and asphalt mixing.
   
   (d) Drop forge.
   
   (e) Foundry.
   
   (f) Incinerator, when approved by following state siting process.
   
   (g) Industrial farm and feed yard.
   
   (h) Meat packing, but not stockyard and slaughterhouse.
   
   (i) Planing mill and sawmill.
   
   (j) Power generating station.
   
   (k) Railroad yard.
   
   (l) Stamping mill.
   
   (m) Landfill, sanitary-public or private when approved by state requiring siting process.

2. Wholesale and warehouse uses, such as, but not limited to:

   (a) Wholesale and warehouse uses permitted in the I-2 district.
(b) Grain storage.

(c) Storage yard for building supplies and equipment.

3. Commercial uses:

(a) Commercial uses permitted in the I-2 district.

(b) Fuel and coal company.

4. Public, quasi-public and governmental buildings and facilities, such as, but not limited to:

(a) Public, quasi-public and governmental buildings and facilities, permitted in the I-2 district, except for hospitals and vocational schools.

(b) Parking lots, public and private. (Ord. 5-93, §§ 15-17, 2-2-1993; Ord. 33-94, 11-15-1994)

16.33. **Special Uses Permitted:** The following uses may be permitted only if specifically authorized by the board of adjustment as allowed in section 23 of this appendix.

1. Special uses permitted in the I-2 district.

2. Similar and compatible uses to those allowed as "permitted uses" in this district.

3. Automotive salvage yard, including wrecking and dismantling; provided all operations are conducted within an area enclosed on all sides with an aesthetically acceptable solid wall or fence not less than eight (8) feet high so that such operation is not visible from the nearest street. Such operation shall be properly maintained and kept in acceptable appearance.

4. Petroleum and inflammable liquids production, refining and storage.

5. Stockyard and slaughterhouse. (Ord. 5-93, § 18, 2-2-1993)

16.34. **Temporary Permit Uses Permitted:** Upon application to and issuance by the zoning administrator of a permit therefor, the following uses may be operated as temporary uses:

1. Temporary permit uses permitted in the I-1 district.

16.35. **Accessory Uses:** Accessory uses, buildings or other structures and devices customarily incidental to and commonly associated with a permitted use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same parcel, and do not include structures or features inconsistent with the permitted use or special use, including, but not limited to, the following:

1. Office. (Ord. 5-93, § 19, 2-2-1993)

16.36. **Prohibited Uses:** All uses not expressly authorized in sections 16.32 through 16.35 of
this appendix including, but not limited to:

1. Hospital.

2. Public and parochial school.

3. Residential uses, except when permitted as a special use.

4. Vocational school.

5. Restaurant, drive-in. (Ord. 5-93, § 20, 2-2-1993)

16.37. Site And Structure Requirements:

1. Minimum Lot Area. A separate ground area of not less than forty thousand (40,000) square feet shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.

2. Minimum Lot Width. A minimum lot width of one hundred fifty (150) feet shall be provided for each lot used for a permitted or special use.

3. Front Yard. All structures shall be set back at least fifty (50) feet from the front lot line.

4. Side Yard. All structures shall be set in from the side lot line a distance of not less than ten (10) feet on the least side, with the sum of the two (2) sides not less than twenty-five (25) feet.

5. Rear Yard. None required, unless required by bufferyard requirements in section 18.6 of this appendix.

6. Maximum Height. No structure or portion thereof shall exceed a height of three (3) stories or thirty-five (35) feet when within two hundred (200) feet of any residential district. Beyond two hundred (200) feet from a residential district one additional foot in height may be added for each two (2) feet of horizontal distance beyond two hundred (200) feet.

7. Floor Area Ratio. Floor area ratio, not to exceed 2.0.

8. Maximum Lot Coverage. Not more than sixty (60) percent of the lot area may be occupied by buildings and structures, including accessory buildings. (Ord. 5-93, § 25, 2-2-1993)

16.38. Special Provisions:

1. Parking Requirements. In accordance with the applicable regulations as set forth in section 19 of this appendix.

2. Sign Requirements. In accordance with the applicable regulations set forth in section 18 of this appendix.

3. Performance Standards. Any use established in this district after the effective date hereof
shall be so operated as to comply with the performance standards governing: (a) noise; (b) vibration; (c) smoke and particulate matter; (d) toxic matter; (e) odorous matter; (f) fire and explosive hazards; (g) glare; and (h) radiation hazards, as set forth.

Where the performance standards required by this ordinance are less restrictive than comparable requirements imposed by any other law, ordinance, resolution, rule or regulation of any kind of the State of Iowa or another governmental agency, the more restrictive shall govern. Uses already established on the effective date of this ordinance shall be permitted to be altered, enlarged, expanded or modified provided that the additions or changes comply with said performance standards.

(a) *Noise.* For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of very short duration as from forge hammers, punch presses and metal shears, which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer. Octave band analyzers calibrated in the preferred frequencies (United States of America Standards S1.6-1967, Preferred Frequencies for Acoustical Measurements) shall be used in the table headed "Octave Band, Preferred Frequencies." Octave band analyzers calibrated with the pre-1960 octave bands (U.S.A.S. Z24.10-1953, Octave Band Filter Set) shall be used with the tables headed "Octave Band, Pre-1960."

The following uses and activities shall be exempt from the noise level regulations:

1. Noises not directly under the control of the property user.

2. Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m. Such activities are those which are nonroutine operations accessory to the primary activities and which are temporary in nature or conducted infrequently.

3. The noises of safety signals, warning devices and emergency pressure relief valves which are used infrequently.

4. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

The decibel values specified for residence districts shall be reduced by five (5) decibels between the hours of 7:00 p.m. and 7:00 a.m. Noises from "essential services" are excluded from this nighttime reduction.

The generation of noise shall not exceed the decibel limits prescribed below.

**Maximum Permitted Sound Levels**

<table>
<thead>
<tr>
<th>Octave Band Pre-1960 (Cycles per second)</th>
<th>Decibels (Re.0002 Microbar) Residence District</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>75 72</td>
</tr>
<tr>
<td>75</td>
<td>150 67</td>
</tr>
</tbody>
</table>
Also, impact noises measured on an impact noise analyzer shall not exceed an overall peak intensity of eight (8) decibels in a residential district.

(b) **Vibration.** In this district, no activity or operation shall cause or create earthborne vibrations in excess of the displacement values given below:

Measurements shall be made at or beyond the adjacent lot line or nearest residence district boundary line, as described below. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum vector shall be less than the vibration displacement permitted.

The maximum permitted displacements shall be permitted in each district by the following formula:

\[ D = \frac{K}{f} \]

Where: \( D \) = Displacement in inches

\( K \) = A constant to be determined by reference to the tables

\( f \) = The frequency of the vibration transmitted through the ground, cycles per second.

<table>
<thead>
<tr>
<th>Octave Band Preferred Frequencies (Cycles per second)</th>
<th>Residence District</th>
</tr>
</thead>
<tbody>
<tr>
<td>31.5</td>
<td>76</td>
</tr>
<tr>
<td>63</td>
<td>71</td>
</tr>
<tr>
<td>125</td>
<td>65</td>
</tr>
<tr>
<td>250</td>
<td>57</td>
</tr>
<tr>
<td>500</td>
<td>50</td>
</tr>
<tr>
<td>1,000</td>
<td>45</td>
</tr>
<tr>
<td>2,000</td>
<td>39</td>
</tr>
<tr>
<td>4,000</td>
<td>34</td>
</tr>
<tr>
<td>8,000</td>
<td>32</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Octave Band Preferred Frequencies (Cycles per second)</th>
<th>Residence District</th>
</tr>
</thead>
<tbody>
<tr>
<td>300</td>
<td>59</td>
</tr>
<tr>
<td>600</td>
<td>52</td>
</tr>
<tr>
<td>1,200</td>
<td>46</td>
</tr>
<tr>
<td>2,400</td>
<td>40</td>
</tr>
<tr>
<td>4,800</td>
<td>34</td>
</tr>
<tr>
<td>10kc</td>
<td>32</td>
</tr>
</tbody>
</table>
by use of the formula in the preceding 3.(b) paragraph and the appropriate K constant shown as follows:

Values of K to be used in vibration formula:

\[
\text{Location} \quad K
\]

In any residence district:

- a. Continuous 0.003
- b. Impulsive 0.006
- c. Less than 8 pulses per 24-hour period 0.015

(c) *Smoke and particulate matter.* The standards and controls of the Quad City Regional Air Pollution Control Board with reference to smoke and particulate matter shall be the controlling regulation in Bettendorf. However, in the absence of such control the following shall be the controlling standard:

For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart described in the U.S. Bureau of Mines Information Circular 8333 May, 1967, shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity equal to or greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, wetting or other acceptable means. No operation shall cause or allow to be emitted into the open air from any process or control equipment or to pass any convenient measuring point in a breeching or stack, particulate matter in the gases that exceeds 0.35 grains per standard cubic foot (seventy (70) degrees Fahrenheit and 14.7 psia) of gases during any one hour.

Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four (4) hour period which will result in the highest average emission. The emission rate of smoke having a density or equivalent opacity equal to or greater than Ringelmann No. 2 is prohibited, except for six (6) minutes in any one hour period, when such density may be exceeded. The rate of emission of particulate matter from all stacks and vents within the boundaries of any lot shall not exceed three (3) pounds per hour per acre of lot area.

(d) *Toxic matter.* The release of airborne toxic matter shall not exceed one-eighth (1/8) of the "Threshold Limit Values for 1967" as adopted by the American Conference of Governmental Industrial Hygienists, when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous twenty-four (24) hour period.

If a toxic substance is not listed, the applicant shall satisfy the city that the proposed level will be safe and not detrimental to the public health or injurious to plant and animal life.
(e) **Odorous matter.** When odorous matter is released from any operation, activity or use, the concentration of such odorous materials shall not exceed the odor threshold when measured outside this district, either at ground level or habitable elevation.

(f) **Fire and explosion hazards.**

1. **Detonable materials.** The storage, utilization or manufacture of materials or products which decompose by detonation is limited to five (5) pounds. Quantities in excess of five (5) pounds of such materials may be stored or utilized but not manufactured. Such materials shall include, but are not limited to: All primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than thirty-five (35) percent.

2. **Flammable solids.** The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intensive burning is permitted, provided either of the following conditions is met: Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having not less than two (2) hour fire resistant exterior walls and protected with an automatic fire extinguishing system; or said material, if stored outdoors, will be no less than fifty (50) feet to the nearest lot line.

3. **Flammable liquids and gases.** The storage, utilization or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Aboveground flammable liquid and gas storage tanks shall not be less than fifty (50) feet from all lot lines. Flammable liquids and gases in original, sealed containers fifty-five (55) gallons capacity or less may be stored or utilized without restriction.

<table>
<thead>
<tr>
<th>Total Capacity of Flammable Materials Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(In Gallons)</strong></td>
</tr>
<tr>
<td><strong>Industries Engaged In Storage for Resale</strong></td>
</tr>
<tr>
<td><strong>Aboveground</strong></td>
</tr>
<tr>
<td>Materials having a closed cup flash point over 187 degrees Fahrenheit, but less than 300 degrees Fahrenheit</td>
</tr>
<tr>
<td>From and including 105 degrees Fahrenheit to and including 187 degrees Fahrenheit</td>
</tr>
<tr>
<td>Materials having a closed cup flash point of less than 105 degrees Fahrenheit</td>
</tr>
</tbody>
</table>

*700,000
The requirements set forth above for flammable materials shall not control or supersede the provisions of Ordinance 151, Article II, Section I, pertaining to bulk stations and storage tanks, which provisions shall remain in full force and effect.

The quantity of flammable liquids or materials stored below ground shall be unrestricted.

When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed above.

(g) **Glare.** Any operation or activity producing glare at night shall be conducted so that direct and indirect illumination from the source of light on the lot shall not cause illumination in excess of one-half (1/2) foot candle when measured in a residence district or commercial district where a residential use is permitted. Flickering or intense sources of light shall be controlled or shielded so as not to cause a nuisance across lot lines.

(h) **Radiation hazards.** Release outside property lines: The release of radioactive materials or the emission of ionizing radiation outside of property lines shall be in accordance with the rules and regulations of the State of Iowa and/or the Atomic Energy Commission.

Unsealed radioactive materials. Unsealed radioactive materials shall not be manufactured, utilized or stored (except when such materials are stored in radioactive-proof container stored at or below ground level.)

4. **Screening.** Where an office, commercial or industrial use abuts or is across the street from a residential district, adequate screening and landscaping shall be provided, in accordance with section 18.

5. **Outdoor sales.** All outdoor sales space shall be provided with a permanent durable and dustless surface, and shall be graded and drained as to dispose of all surface water.

6. **Outdoor storage.** Outdoor storage is permitted.

7. **Enclosure of use.** Industrial operations may take place outdoors.

**SECTION 17. PLANNED UNIT DEVELOPMENT DISTRICT**
17.0. PURPOSE:

The purpose of the planned unit development (PUD) district is to promote to the extent possible:

1. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this ordinance.

2. Permanent preservation of common open space and recreation areas and facilities.

3. A pattern of development to preserve natural vegetation, topographic and geologic features.

4. A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities.

5. An efficient use of the land resulting in more economic networks of utilities, streets and other facilities.

6. A land use which promotes the public health, safety, comfort, morals and welfare.

The PUD district is intended to provide for a development incorporating a single type or a variety of related uses which are planned and developed as a unit but departs from the normal standards and requirements of other sections of this ordinance.

The planned unit development may provide amenities not otherwise required by law and may establish facilities and open space greater than the minimums required by law. Such development may consist of conventionally subdivided lots or provide for development by a land use and zoning plan which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.

The foregoing purposes and principles shall not be interpreted to permit the reduction of standards set forth in this section. (Ord. 36-82, 8-17-1982)

17.1. PROCEDURE:

The owner, owners or bona fide buyer of any tract of land may petition the city council for a change to the PUD zoning district in accordance with the provisions of section 24. A planned unit development shall be authorized in accordance with the following procedures:

1. Application Procedure:

   (a) The application for a rezoning to the PUD zoning district shall be accompanied by an application plan meeting the requirements of section 17.2.1. and show evidence that the proposed development will conform to the official city plan and to the purpose of the PUD district set forth in section 17.0. The commission and the council shall grant or deny said application pursuant to the provisions contained in section 24. Approval of the PUD zoning district shall constitute an expression of approval by the council of the application plan as a guide to the preparation of the preliminary PUD plan. The applications shall be
accompanied by a filing fee in an amount equal to that prescribed by section 24.5.

(b) To reduce the number of steps involved in the approval of a planned unit development, a preliminary PUD plan meeting the requirements of sections 17.1.2. and 17.2.2. may be submitted in lieu of an application plan required in (a) above. This type of application shall be accompanied by a fee of one hundred dollars ($100.00) plus an amount equal to that prescribed by section 17.1.2.(a)(2).

2. Approval Of The Preliminary Plan:

(a) (1) Supporting data in accordance with section 17.2.2.

(2) A filing fee of one hundred dollars ($100.00) for ten (10) acres or less and two hundred dollars ($200.00) for more than ten (10) acres if procedure 17.1.1.(a) was followed, otherwise it has already been included in the cost noted under procedure 17.1.1.(b).

(3) Copies of the preliminary PUD plan and supporting data shall be submitted to the city planner for certification as to conformity with these regulations, recommendations and suggestions regarding the overall design, if any. (Ord. 36-82, 8-17-1982)

(4) Copies of the preliminary PUD plan shall be submitted to the commission and, if needed, board of adjustment who shall hold public hearings on the application for a preliminary PUD plan giving notice of the times and places as required by state law by publishing a notice thereof at least once in a Scott County publication having general circulation within the city. Following the public hearings, a recommendation of approval or denial of the preliminary PUD plan shall be made by the commission to the city council. If needed, the board shall review the preliminary PUD plan and grant or deny any exceptions or variances needed from the requirements of sections 18 or 19 of this zoning ordinance. (Ord. 6-98, 2-3-1998)

(b) Findings: The commission shall set forth the reasons for the recommendation, and said recommendation shall set forth how the proposal would be in the public interest, including but not limited to findings of facts on the following:

(1) In what respects the proposed plan is consistent with the stated purpose of the planned unit development requirements.

(2) The extent to which the proposed plan meets the requirements and standards of the planned unit development district.

(3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.

(4) The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light, air, recreation and visual enjoyment.
(5) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.

(6) The desirability of the proposed plan to physical development, tax base and economic well-being of the entire community.

(7) The conformity with the intent and spirit of the comprehensive plan.

(8) Specific points noted on the plan that have impact on its design, function and visibility in the community.

(c) Following receipt of the recommendation by the commission and approval by the board, the council shall, within sixty (60) days, recommend approval, modification within limits of a minor change, or disapproval of the planned unit development plan. As a condition to the approval of the preliminary PUD plan the council shall set forth findings of fact in accord with section 17.1 on which they base their approval and describing how the proposal meets the standards of section 17.3.

(d) All conditions, documents and plans required by the council must be delineated on the plat or agreed to in writing prior to council approval.

(e) The council may require such special conditions as they may deem necessary to insure conformance with the intent of all comprehensive plan elements, the stated purpose of the planned development district and established city policies.

(f) Approval of a preliminary planned unit development plan shall not constitute approval of the final plan. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan which will be submitted for approval of the city and subsequent recording upon the fulfillment of the requirements of these regulations and conditions of the preliminary plan approval, if any. The final plan shall be approved as the final land use and zoning plan if it conforms substantially with the preliminary land use and zoning plan.

The final plan may be considered as a preliminary and final plan and may be submitted for preliminary and final approval, if all of the land is to be developed at one time, and if all requirements hereof are met.

(g) The provisions of section 24.4 shall be applicable to the preliminary PUD plan.

3. Approval of final plan: The final planned unit development plan shall be submitted to the city planner who shall refer same to the commission. The final PUD plan shall conform to the preliminary PUD plan as approved or subject to minor changes, and may be submitted in stages with each stage reflecting the approved preliminary plan; provided, however, that such stage conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:

(a) A final planned unit development plan and other supporting data required for approval shall be in accord with the provisions of section 17.2.

Final plans must be submitted for approval in accordance with agreed-to scheduling, but
not later than five (5) years from the approval of the preliminary plan by the council. The
council may grant an extension in time or the developer may resubmit an application; in the
event that same is not done, the council shall initiate such zoning changes as it deems
necessary to preserve the public interest. If construction falls more than two (2) years
behind the schedule filed with the final plan, the plan becomes subject to revocation. The
city planner and the building inspector shall monitor all pending PUD projects and inform
the council of those six (6) months or more behind schedule.

(b) The final plan and supporting data shall be submitted to the city planner for
certification that the final plan is in conformity with these regulations and in agreement with
the approved preliminary plan.

(c) After review of the final plan, the commission shall submit the planned unit
development plan to the council with a recommendation for approval, disapproval or
approval with minor modifications as reviewed at the public hearing. Any changes or
modifications which arise subsequent to the public hearing shall be specifically noted and
referred to the council who shall determine whether the change constitutes a major or
minor change and whether another public hearing is required.

(d) The city council shall, within sixty (60) days, approve, disapprove or extend the time
period for another sixty (60) days in taking action on the final plan.

(e) All conditions, documents and plans required by the council must be delineated on
the plan or agreed to in writing prior to council approval.

4. Recording the final planned unit development plan: The construction of any public
improvement in the planned unit development shall be initiated only after recording of the
final PUD plan with the county recorder. Building permits are to be issued only after the
final PUD plan has been recorded with the county recorder, and shall be issued in full
conformance with this ordinance.

The recording of the final plan shall inform all who deal with the planned unit development
of the restrictions placed upon the land and will act as a zoning control device.

5. Changes in the planned unit development: The planned unit development shall be developed
according to the approved and recorded final plan, except where authorized changes or
amendments are permitted. The recorded plan and supporting data together with all
recorded amendments shall be binding on the applicants, their successors, grantees and
assigns, and shall limit and control the use of premises and location of structures in the
planned unit development project as set forth therein.

(a) Major changes. A change in the approved preliminary PUD plan or final PUD plan
which alters the concept or intent of the planned unit development including a change in
usage, the configuration, increase in floor area or the height of buildings, an increase in
intensity, a reduction of proposed open space, a change in road locations or standards, a
change in the final governing agreement, provisions or covenants, or other major changes,
shall be approved only by submission of a new preliminary PUD plan in accordance with
the procedures as previously set forth for the approval of preliminary and final PUD plans.
All approved major changes in the final PUD plan shall be recorded with the county
recorder as amendments to the final PUD plan.
(b) Minor changes. The city planner may approve minor changes in the planned unit development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes shall be any change not defined as a major change. (Ord. 36-82, 8-17-1982)

17.2. SPECIFIC CONTENT:

The planned unit development plans and supporting data shall include at least the following information:

1. Application stage:

   (a) General site information. Data regarding site conditions, land characteristics, available community facilities and utilities, existing covenants and other related information.

   (b) Sketch plan. A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, lots and other features.

2. Preliminary plan stage:

   (a) Design plan. A drawing of the planned unit development shall be prepared at a scale of either one inch equals one hundred (100) feet or one inch equals fifty (50) feet, or such other scale that may be recommended by city staff. Any change in scale between the preliminary and final plan shall be accompanied by a signed statement from the developer attesting that there have been no modifications. All plans shall show the general location of proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:

      (1) Boundary lines: Bearing and distances.

      (2) Easements: General location, width and purpose.

      (3) Public and private streets on and adjacent to the tract: Street names, right-of-way widths, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, distance to nearest intersection, etc.

      (4) Utilities (public or private) on and adjacent to the tract: Location, size and invert elevations of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights on the tract. The direction and distance to the nearest usable water mains and sewers anticipated to be utilized by the development and elevations of sewers. Drainage district boundaries and appropriate design criteria necessary for storm drainage plans.

      (5) Existing ground elevations on the tract: For land that slopes less than one-half (1/2) of one percent, show one foot contours; show spot elevations at all breaks in grades along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half (1/2) of one percent show two (2) foot contours.
(6) Subsurface conditions on the tract, if required by the commission or council: Location and results of tests made to generally ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five feet: The location and results of soil percolation tests if individual sewage disposal systems are proposed.

(7) Other conditions on the tract: Water courses, flood plains, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, accessory buildings and other significant features.

(8) Other conditions on adjacent land: Approximate direction and gradient of ground slopes, including any embankments or retaining walls; character and general location of buildings, including a notation on the front setback, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plan by name, and show approximate percent built-up, typical lot size and dwelling type.

(9) Zoning on and adjacent to the tract.

(10) Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.

(11) Open space: All parcels of land intended to be dedicated for public use of all property owners with the purpose indicated.

(12) General location, purpose and height, in feet or stories of each building other than single-family residences on individually platted lots.

(13) Map data: Name of development, north point and scale, date of preparation, acreage of site and name and address of developer, designer and engineer.

(14) Miscellaneous: Such additional information as may be required by the commission, city planner, city engineer, council or found in the subdivision control ordinance.

(b) Character. Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations.

(c) Ownership. Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the county recorder.

(d) Schedule. Development schedule indicating:

(1) Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage shall be shown on the plan and through supporting graphic material.

(2) Completion date or dates of new construction for above and below ground facilities, utilities and buffer planting. See also section 17.13(a).
(3) If different land use types are to be included within the planned unit development, the schedule must normally include the mix of uses to be built in each stage.

(e) Covenants. Proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned development and any of its common open space.

(f) Density. Provide information on the density of residential uses and the number of dwelling units by type.

(g) Use. Provide a list of uses planned for the ancillary and nonresidential areas.

(h) Service facilities. Provide information on all service facilities and off-street parking facilities.

(i) Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building and the number, size and type of dwelling units.

(j) Facilities plans (public and/or private). Preliminary plans for:

1. Roads, including classification, width of right-of-way, width of pavement, typical construction details and plan and profile drawings.

2. Sanitary sewers.

3. Storm drainage and erosion.

4. Water supply system, if required by the commission.

5. Lighting program, if required by the commission.


3. Final plan stage:

(a) Final detailed plan. A final land use and zoning plan suitable for recording with the county recorder shall be prepared. The purpose of the land use and zoning plan is to designate the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final land use and zoning plan shall include, but not be limited to:

1. An accurate legal metes and bounds description of the entire area under immediate development within the planned development.

2. A subdivision plan of all subdivided lands in the same form and meeting all the requirements of a normal subdivision final plan.

3. An accurate legal metes and bounds description of each separate unsubdivided
use area, including common open space.

(4) Designation of the exact location of all buildings to be constructed in unsubdivided areas.

(5) Tabulations on separate unsubdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.

(6) Architectural plans unless waived by council during the preliminary stage.

(b) Common open space documents. All common open space shall be either conveyed to a municipal or public corporation, conveyed to nonprofit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development or retained by the developer with legally binding guarantees, in a form approved by the city attorney, that the common open space will be permanently preserved and maintained as open area. All land conveyed to a nonprofit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.

(c) Engineering data. All public utilities or improvements required by the city in the development of a planned unit development shall be constructed only after the approval of the final plan. Supporting data to be submitted with the final plans shall include final engineering drawings (construction plans), as required by the city engineer.

(d) Guarantee deposit. Prior to the acceptance by the city council of public utilities and improvements, the contractors) for the owner of the land shall furnish to the city a good and sufficient bond with surety to secure to the city the actual construction and installation of such public utilities or improvements according to city specifications within two (2) years from the date of approval by the council of the final plan or a petition to the city council to provide the required public facilities or improvements and to assess the cost thereof against the subdivided property in accordance with the local requirements regarding special assessments; provided, however, that the subdivider or property owners shall be responsible for any differences between the cost of the public utilities or improvements and the amount that can be legally assessed by the city against the subdivided property, and shall furnish the necessary waivers to permit the assessment of the entire costs of the public utilities or improvements. A maintenance bond shall be provided for the repairs necessitated by defects in material or workmanship not to exceed four (4) years from the date of completion as certified by the city engineer.

(e) Certificates, seals and signatures required for the dedication of lands and recording document, as set forth in the subdivision regulations.

(f) Covenants. Final agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned unit development.

17.3. STANDARDS:

The planned unit development must meet the following standards:

1. Comprehensive plan: A planned unit development must conform with the intent and spirit of
the comprehensive plan.

2. Size: The site of the total planned unit development must be under single ownership and/or unified control and be not less than sixty thousand (60,000) square feet in area.

3. Compatibility: The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.

4. Space between buildings shall be subject to approval during the review process.

5. Yards:
   
   (a) The required yards along the periphery of the PUD project shall be at least equal in width or depth to that of the adjacent zoning district.

   (b) All other yards shall be subject to approval during the review process.

6. Parking requirements: Adequate, adjacent parking shall be provided and in no event shall the parking be less than that provided for in section 19.

7. Traffic: That adequate provision be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The commission or council may require a professional traffic engineer to investigate and submit a traffic study.

8. Other standards: The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use and other regulations for the standard zoning districts and other provisions of this ordinance to the extent specified in the preliminary land use and zoning plan and documents authorizing the planned unit development so long as the planned unit development project will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. All new construction shall conform to city specifications and regulations.

17.4. CONDITIONS AND GUARANTEES:

Prior to the granting of any planned unit development, the council may stipulate such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in section 18.3. In all cases in which planned unit developments are granted, the council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. (Ord. 7-75, 2-4-1975)

SECTION 18. GENERAL PROVISIONS

18.0. PURPOSE:

The general provisions of this ordinance are intended to supplement and aid in interpreting the
district regulations. This section groups together regulations that generally deal with all zoning districts and all areas of the community.

18.1. SCOPE OF REGULATIONS:

18.11. Conflicting Laws: Where the conditions imposed by any provisions of this ordinance upon the: (1) use of land or buildings; (2) bulk of buildings; (3) floor area requirements; (4) lot area requirements; and (5) yard requirements are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

18.12. Existing Violations: No building, structure or use, not lawfully existing at the time of the adoption of this ordinance, shall become or be made lawful solely by reason of the adoption of this ordinance and to the extent that, and in any manner that said unlawful building, structure or use is in conflict with the requirements of this ordinance, said building, structure or use remains unlawful hereunder.

18.13. Lots Of Record: A lot of record at the time of adoption of this ordinance in a residence district which is unable to meet the requirements of this ordinance as to the area, or lot width, may be used for a single-family detached dwelling, two-family dwelling or multifamily dwelling, provided that it shall meet all the other requirements of this ordinance.


18.2. OPEN SPACE ON LOTS:

The following "general provisions" dealing with open spaces, lot coverage, yard, setbacks, vision clearance and permitted obstructions are provided for herewith.

18.21. Provision Of Open Spaces: The provision of yards, courts and other open spaces and minimum lot area legally required for a building, shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. Such open spaces shall be completely landscaped with such aesthetic materials as, but not limited to, trees, shrubbery and grass, and continuously maintained. Such open space shall be landscaped so as not to encourage the storage of motor vehicles except as permitted by this ordinance. Furthermore, no legally required yards, courts or other open spaces, or minimum lot area allocated to any building shall by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.

18.22. Location Of Open Spaces: All yards, courts and other open spaces allocated to a building or group of buildings shall be located on the same zoning lots as such building or group of buildings.

18.23. Yards For Existing Buildings: No yards now or hereafter provided for a building existing on the effective date of the zoning ordinance shall subsequently be reduced below, if already less than the minimum yard requirements of this ordinance for equivalent new construction. However, a yard adjoining a street may be reduced to provide right-of-way for street widening.
18.24. Division Of Zoning Lot: No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable regulations of the zoning district in which the property is located.

18.25. Two Uses On A Lot: Where two (2) or more permitted or special uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.

18.26. Lots Without Street Frontage: Every structure or group of structures, and every use or group of uses, shall be located upon a lot. Where unique land planning designs are employed in a subdivision or planned development to conserve the natural character of the land or to create a functional or compatible arrangement of structures or uses, a lot which does not abut upon a public or private street may be permitted provided that:

1. Adequate provision is made for free access to the lot for the property owner, or in the case of a nonresidential lot, for those persons who would normally require access to the lot.

2. Adequate provision is made for the unobstructed access of firefighting services, police protection, mail carrier letter service, rubbish collection and other governmental services.

3. Adequate provision is made for the extension and maintenance of public and private utility services.

4. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking or other reasons.

18.27. Required Setbacks: Minimum setbacks on lots abutting a street or thoroughfare shall be the distance required for a front yard or side yard adjoining a street, in the districts where such lots are located, measured from the existing right-of-way line as designated on the comprehensive plan of the city, as duly established by other ordinances of the city, or as established by county or state highway authorities, whichever has the greater right-of-way width requirements.

18.28. Exceptions For Established Setbacks:

1. Where fifty (50) percent or more of the frontage on one side of a street or, where applicable, across the street, between two (2) intersecting streets is developed with buildings that have observed (within a variation of 5 feet or less) a front yard different in depth than required herein, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

2. Where fifty (50) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have not observed a front yard as herein required, then:

   (a) Interior lots.

   (1) Where a building is to be erected within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest
front corners of the two (2) existing buildings.

(2) Where a building is to be erected within one hundred (100) feet of an existing building on one side only, it may be erected as close to the street as the existing building.

(b) Corner lots. The depth of the setback lines shall be normally required in the district where the lot is located.

18.29. **Vision Clearance**:

1. On corner lots no structures or plant materials shall obstruct a clear path of motor vehicle driver's vision of approaching vehicles with a triangular space determined by a diagonal line connecting two (2) points measured thirty-five (35) feet equidistant from the street corner.

2. An unobstructed vision clearance shall be maintained at private driveway and place or street intersections and at alley and place, street or alley intersections.

18.30. **Permitted Obstructions In Required Yards**: The following obstructions may be located in the required yards specified:

1. In all yards:

   (a) Open terraces and walks not over four (4) feet above the average level of the adjoining ground, but not including permanently roofed-over terrace or porch.

   (b) Awnings and canopies, but not projecting more than ten (10) feet out from the structure and at least seven (7) feet above the average level of the adjoining ground.

   (c) Chimneys projecting eighteen (18) inches or less into the yard.

   (d) Arbors, trellises, flagpoles, fountains, sculptures, plant boxes and other similar ornamental objects.

   (e) Open and closed fences and walls not exceeding three (3) feet in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six (6) feet in height in side and rear yards; and open-type fences in any side or rear yard, providing that visibility at right angles to any surface of such fence shall not be reduced more than forty (40) percent; provided further that any house situated on a corner lot shall be allowed to place an open or closed fence, not exceeding four (4) feet in height, within ten (10) feet of the right-of-way line provided said fence is located between the rear lot line and the rear of the principal structure only; and further provided that for through lots a fence exceeding three (3) feet but not exceeding four (4) feet in height may be located within ten (10) feet of the rear property line when said property line is the right-of-way line of a major street as shown on the Thoroughfare Plan. When said fence on a through lot is located with fifteen (15) feet or less of the right-of-way line a minimum of one evergreen-type plant or comparable landscape planting shall be placed between said fence and right-of-way line for every twenty-five (25) lineal feet or fraction thereof of fence.

   (f) Trees, shrubs and other plant materials.
2. In front yards:
   (a) One-story bay windows projecting three (3) feet or less into the yards;
   (b) Overhanging eaves and gutters projecting three (3) feet or less into the yard.

3. In rear yards:
   (a) Enclosed, detached off-street parking spaces;
   (b) Open off-street parking spaces;
   (c) Accessory shed, tool rooms and similar buildings or structures for domestic or agricultural storage;
   (d) Balconies, breezeways and open porches;
   (e) One-story bay windows projecting three (3) feet or less into the yard;
   (f) Overhanging eaves and gutters projecting three (3) feet or less into the yard;
   (g) In any residential district, no accessory building shall be nearer than five (5) feet to the rear lot line, nor nearer than eight (8) feet to any unattached principal building; provided, however, that swimming pools shall not be nearer than ten (10) feet to the rear lot line, nor nearer than eight (8) feet to any unattached principal building or accessory building having a basement, and not closer than five (5) feet to any principal building or accessory building not having a basement.

4. In side yards:
   (a) Overhanging eaves and gutters projecting into the yard for a distance not exceeding forty (40) percent of the required yard width, but in no case exceeding two (2) feet.
   (b) Enclosed detached off-street parking spaces, but not nearer than five (5) feet to the side lot line, nor nearer than ten (10) feet to any principal building.
   (c) Open off-street parking spaces. (Ord. 64-81, 11-17-1981; Ord. 33-90, § 1, 8-21-1990; Ord. 24-94, § 1, 6-21-1994; Ord. 21-97, 8-19-1997)

18.3. ACCESSORY BUILDINGS AND USES:

Accessory buildings and uses are allowed in the various districts as prescribed in each district and shall be compatible with the principal use.

18.31. **Building Location:** When a side yard is required, no part of an accessory building shall be located closer than five (5) feet to the side lot line along such side yard. When rear yard is required, no part of an accessory building shall be located closer than five (5) feet to the rear lot line or to those portions of the side lot lines abutting such required rear yard. In a residential district, no detached accessory building shall be closer than eight (8) feet to the principal
building, and for each foot over twenty (20) feet in length that the wall of an accessory structure (except swimming pools) parallels and is next to the principal structure, the required distance between the structures shall be increased by an additional foot; provided, however, no swimming pool shall be closer than eight (8) feet to the principal building or accessory structure having a basement, nor closer than five (5) feet to any principal building or accessory structure without a basement. (Ord. 64-81, 11-17-1981)

18.32. **Time Of Construction:** No accessory building or structure shall be constructed prior to the start of construction of the principal building to which it is accessory.

18.33. **Rear Yard:** No accessory building or buildings shall occupy more than forty (40) percent of the area in a required rear yard.

18.34. **Height:** No accessory building or portion thereof located in a required yard shall exceed one story or fifteen (15) feet in height.

18.35. **Reversed Corner Lots:** On a reversed corner lot in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the adjacent lot to the rear. Further, in the above instance, no such accessory building shall be located within five (5) feet of any part of a rear lot line which coincides with a side lot line, or portion thereof, of property in a residential district.

18.36. **Swimming Pools:** Private swimming pools may be located in the required rear yard and shall be enclosed by a fence at least five (5) feet in height.

18.37. **Garage Sales:**

1. **Definitions:**

   (a) **Garage sale** shall mean and include all general sales open to the public, conducted from or on a residential premise in any residential zone, for the purpose of disposing of personal property, including but not limited to all sales entitled garage, lawn, yard, attic, porch, room, backyard, patio, flea market, rummage, or moving sale. This definition shall not include a situation where no more than five (5) specific items are held out for sale and all advertisement of such sale specifically names those items to be sold and may include multifamily garage sales on one residential site.

   (b) **Personal property** shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

2. **Hours of operation:** Garage sales shall be limited in time to no more than the daylight hours of three (3) consecutive days.

3. **Display of sale property:** Personal property offered for sale may be displayed within the residence in a garage, carport, a rear yard and/or front yard but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way. Only personal property shall be sold.
4. Advertising, signs:

(a) **Signs permitted:** Only the following specified signs may be displayed in relation to a pending garage sale:

(1) Four (4) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.

(2) Four (4) signs of not more than two (2) square feet each are permitted off premise provided that the premise upon which the garage sale is conducted is not on a major thoroughfare as shown on the thoroughfare map and written permission to erect said signs is received from the property owners upon whose property such signs are to be placed.

(b) No off-premises sign shall be exhibited prior to the day such sale is to commence. No sign may be exhibited on the premise of the garage sale more than two (2) days prior to the sale.

(c) Signs must be removed at the close of the garage sale.

(d) Signs are specifically prohibited from being posted on any city right-of-way or structures located within the right-of-way.

5. **Number of garage sales:** No residence shall be the site of more than three (3) garage sales per calendar year. The owner and occupant of the residence whereon the garage sale is located shall be deemed to jointly control the property for purposes of this section and shall be responsible for complying with this section. (Ord. 15-91, § 1, 4-16-1991; Ord. 27-95, § 2, 7-18-1995)

18.4. **LOTS:**

18.41. **Number Of Buildings On A Lot:** Not more than one principal building shall be permitted on a zoning lot in the A-1, A-2, R-1 and R-2 zoning districts. More than one principal building may be permitted on a zoning lot in all other zoning districts.

18.42. **Divisions:** No lot shall hereafter be divided into two (2) or more lots for the purpose of transfer or ownership unless all lots resulting from each such division shall have lot areas and widths as required by this ordinance.

18.43. **Through Lots:** On vacant through lots the front lot lines shall be along the street right-of-way designated by the zoning administrator, except that when a front lot line has been established on one or more lots in the same block and all have front lot lines established along the same street right-of-way line, the street right-of-way line designated as the front lot line for such lot or lots shall be the front line on all vacant through lots in such block. Only such obstructions as herein permitted in front yards shall be located in that part of a rear yard adjoining a street that is equivalent in depth to a required front yard, except for lots backing to thoroughfares in subdivisions where no-access strips have been provided on the recorded plats.
18.44. **Corner Lots**: On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required front yard setback and the use of, or the restriction from the front yard, however, shall apply to each side of the lot facing a street and/or place.

18.5. **HEIGHT**:

18.51. Except in a planned unit development, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the structures and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, radio and television transmission towers and aeraels, wireless masts, electric and telephone service poles, water tanks, silos, storage hoppers, elevators or similar structures may be erected above the height limits herein prescribed.

18.6. **LANDSCAPING**: 113

18.61. **Purpose**: The landscaping regulations are intended to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare and noise and by promoting natural percolation of stormwater and by improving the quality of air; to buffer potentially incompatible land uses from one another and to conserve the value of property and neighborhoods within the city.

18.62. **Applicability**: No building permit shall be issued for the construction, reconstruction or structural alteration of a building and/or its parking area, nor shall a certificate of occupancy be granted for a use without conformity with the provisions of these landscape regulations. However, the following shall be exempt from the landscape regulations of this section:

1. Reconstruction or replacement of a lawfully existing use or structure following casualty loss.

2. Reconstruction, rehabilitation or improvements to existing uses or structures which do not substantially change the location of structures or the location and design of parking facilities or other site improvements.

3. Additions or enlargements of existing uses or structures, except surface parking, which increase floor area or impervious coverage by less than twenty (20) percent. Where such additions or enlargements are twenty (20) percent or greater, these provisions shall apply only to that portion of the lot, site or common development where the new development occurs.

4. Any individual lot occupied by a single-family dwelling or two-family dwelling.

18.63. **Definitions**: The following definitions shall be used for terms contained within this article:

1. **Bufferyard**: A landscaped area along lot lines provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another. No structures except fences shall be allowed in a bufferyard.
2. Deciduous overstory tree. A shade producing woody plant having a mature height and spread of at least thirty (30) feet with one well-defined trunk and having no branches at or near the base.

3. Deciduous shrubs. Woody plants that range from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.

4. Deciduous understory tree. A woody plant at least fifteen (15) feet tall at maturity with one or more well-defined trunks.

5. Evergreen/conifer shrub. A woody plant having green needle-like foliage throughout the year and ranging from three (3) to fifteen (15) feet tall at maturity and often are multi-stemmed with low branching.

6. Evergreen/conifer tree. An upright cone-bearing plant having green needle-like foliage throughout the year and at least fifteen (15) feet at maturity.

7. Landscaped area. That area within the boundaries of a given lot consisting primarily of plant material, including but not limited to grass, trees, shrubs, flowers, vines, ground cover and other organic plant materials. Inorganic materials, such as brick, stone or aggregate, may be used within landscaped areas provided that such material comprises no more than thirty-five (35) percent of the required landscaped area. Flat concrete or asphalt, other than walkways five (5) feet or less in width, shall be prohibited within a required landscaped area.

8. Reserved.

9. Minimum street landscaping. The minimum landscaped area which must be provided in a street yard, expressed as a percent of the total area contained within that street yard.

10. Street yard. A contiguous landscaped area along the street right-of-way. The landscaped area shall be of a depth not less than that established in Table 1 and measured from each street right-of-way line extending perpendicularly into the yard. The maximum depth of this area for purposes of this appendix shall not be more than twice the depth of the area at any other point.

11. Vehicular use area. All areas subject to vehicular traffic, including but not limited to accessways, driveways, loading areas, service areas and parking stalls, for all types of vehicles. This definition shall not apply to covered parking structures, underground parking lots or public streets. (Ord. 39-91, §§ 1, 2, 9-3-1991)

18.64. General Provisions:

1. Conflicts: Any conflict between this article and another section of this ordinance shall be resolved in favor of the more restrictive provision.

2. Landscape Plan Review Procedure: A landscape plan shall be submitted as part of the site plan review process. If no site plan review is required, a landscape plan shall be submitted to the city council for approval before any building permits are issued. The council may approve, approve with conditions or deny the application. An applicant should submit
twelve (12) copies of the landscape plan with the application.

3. Landscape Plan Contents Requirements: A landscape plan at a scale of one inch equals twenty (20) feet shall be prepared by a landscape architect or other similar professional and shall show graphically and label clearly all items related to the project, including but not limited to the following:

(a) Title, scale, north marker and date.
(b) Zoning classification of site and adjoining property.
(c) Location and dimensions of all retaining walls, fences, walks, existing and proposed structures, overhead utilities, refuse disposal areas, electrical and mechanical equipment and vehicle use areas.
(d) All lot lines, easements and rights-of-way.
(e) All surrounding roads including names.
(f) The total square footage of the vehicle use areas and the street yard.
(g) Any condition listed in Section 18.66.9 of these requirements.
(h) Location, scientific name, common name, quantity and size of all existing plant materials and designation of all vegetation to remain and/or be removed.
(i) Proposed landscape plantings by location, scientific name, common name, quantity, planting size and planting method. A plant list should be provided listing this information and keyed to plant locations on the plan.
(j) Plant installation details.
(k) Contours at one-foot intervals of all proposed berms and the area within the dripline of all trees to be preserved.
(l) Drainage and detention areas.
(m) Any other feature as determined necessary by the community development director.
(n) Elevations, cross sections and other details as determined necessary by the community development director.
(o) Designation of area to be used for snow storage.

4. Common Development: A common development that includes more than one lot or site shall be treated as one lot or site for the purposes of satisfying the requirements of this section.

5. Previously Approved Site Plans: Any site plan or landscaping plan approved by the planning and zoning commission prior to the effective date of this ordinance shall remain
enforceable and in force.

6. Final Calculations: All final calculations of required landscaping shall be rounded up to the next whole number if the tenths place is equal to or greater than five (5). All final calculations used to determine the required landscaping shall be rounded down to the next whole number if the tenths place is less than five (5).

7. Installation: All landscaping required by this section shall be installed prior to occupancy or commencement of a use. If the landscaping cannot be installed prior to occupancy or commencement of a use because of climatic conditions, the building inspector may issue a temporary certificate of occupancy and grant a delay of landscaping installation until the calendar date of June 1 immediately following the date of said temporary certificate of occupancy. However, in such case, the applicant shall post a surety or cash bond equal to one hundred fifty (150) percent of the total cost of the landscaping. No final certificate of occupancy shall be issued until the landscaping is installed as approved. All landscaping shall be installed in accord with the guidelines set forth in a handbook developed and occasionally updated by the community development department.

8. Maintenance Of Required Landscaping: Upon installation or preservation of required landscape materials, appropriate measures shall be taken to ensure their continued health and maintenance. Required materials that do not remain healthy shall be replaced consistent with the approved landscape plan. Specific maintenance requirements shall be set forth in a handbook developed and occasionally updated by the community development department.

9. Obstruction Of View: Landscaping installed in any landscaped area shall be in accordance with the visibility requirements outlined in section 18.29.

10. Rights-Of-Way, Easements And Drainage: Required landscaping shall not disturb drainage systems or be placed upon easements or rights-of-way.

11. Material Standards: All landscape material required by this ordinance shall conform to the regulations set forth in a handbook developed by the community development department.

18.65. Street Yard Landscaping Requirements: Landscaping shall be provided within street yards and encompass the minimum depth as set forth in Table 1:

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Street Yard Landscaping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Districts</td>
<td>Minimum Depth (feet)</td>
</tr>
<tr>
<td>A1</td>
<td>50</td>
</tr>
<tr>
<td>A2</td>
<td>40</td>
</tr>
<tr>
<td>R1</td>
<td>30</td>
</tr>
<tr>
<td>R2</td>
<td>25</td>
</tr>
<tr>
<td>R3</td>
<td>25</td>
</tr>
<tr>
<td>R4</td>
<td>20</td>
</tr>
</tbody>
</table>
18.66. Bufferyards and Screening:

1. A bufferyard shall be required when a use is established in a more intensive zoning district which is adjacent to a less intensive zoning district. The owner or developer of the property within the more intensive district shall install and maintain a landscaped bufferyard on said property as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 2. When the development is adjacent to property which is zoned A-1 and likely to be developed, the land use policy plan can be used as a guide to determining the future zoning and hence the bufferyard requirements in anticipation of that future zoning:

<table>
<thead>
<tr>
<th>A1A2</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>R5</th>
<th>C1</th>
<th>C2</th>
<th>C3</th>
<th>C4</th>
<th>C5</th>
<th>C7</th>
</tr>
</thead>
<tbody>
<tr>
<td>R4</td>
<td></td>
<td></td>
<td></td>
<td>See Table 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R5</td>
<td></td>
<td></td>
<td></td>
<td>See Table 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2
Bufferyard Requirements
Adjacent, Less Intensive District

<p>| | | | | | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MoreC1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IntenseC2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DistrictC3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C430</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C525</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C625</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C730</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I130</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I260</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Ord. 39-91, § 3, 9-3-91)
This table establishes required bufferyards in the R4 and R5 zoning districts and applies only when the adjacent district is zoned A1, A2, R1, R2 or R3:

<table>
<thead>
<tr>
<th>Maximum Height of Building Nearest Common Property Line</th>
<th>Bufferyard Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>(feet)</td>
<td>(feet)</td>
</tr>
<tr>
<td>0-15 feet</td>
<td>15</td>
</tr>
<tr>
<td>15+-35</td>
<td>20</td>
</tr>
<tr>
<td>Over 35</td>
<td>30</td>
</tr>
</tbody>
</table>

2. Districts With Common Lot Lines: When the use in the more intensive zoning district has a common lot line with a less intensive zoning district, the required bufferyard is set forth in Table 2.

3. Districts With Intervening Alley: When an alley separates adjacent districts requiring a bufferyard, one-half (1/2) the width of the alley shall be credited toward meeting the required bufferyard.

4. Districts With Intervening Major Street: When an expressway or primary street, as shown on the thoroughfare plan, separates adjacent districts requiring a bufferyard, the required bufferyard shall be the greater of one-half the required bufferyard as set forth in Table 2 or the minimum depth of street front landscaping provided in Table 1.

5. Districts With Intervening Secondary Street: When a secondary or local street, as shown on the thoroughfare plan, separates adjacent districts requiring a bufferyard, the required bufferyard shall be the greater of the required bufferyard set forth in Table 2 or the minimum depth of front yard landscaping provided in Table 1.

6. Railroad Right-Of-Way: Any lot or site which is adjacent to an active railroad right-of-way shall be exempt from any bufferyard requirement along the common property line with such right-of-way.

7. Only two-thirds (2/3) of the required bufferyard needs to be provided if the bufferyard includes screening in accordance with Section 18.66.12 with the exception that only fifty (50) percent opacity is required.

8. Only one-half (1/2) of the required bufferyard needs to be provided if the bufferyard includes screening in accordance with Section 18.66.12.

9. Required Screening: Screening is required on all properties requiring a bufferyard when one or more of the following conditions in the more intensive zoning districts is directly visible from the boundary of the less intensive zoning district:

   (a) Outdoor storage areas.
(b) Loading/unloading areas, refuse collection points and other service areas.

(c) Major machinery or areas housing a manufacturing process.

(d) Vehicular use areas.

(e) Sources of glare, noise or other environmental effects.

(f) On and above grade electrical and mechanical equipment, including but not limited to transformers, heat pumps and air conditioners.

(g) Satellite dishes.

(h) Other noxious uses as determined by the planning director.

10. Screening shall be installed no closer to the less intensive district than one-half (1/2) the width of the required bufferyard.

11. Screening shall not adversely affect surface water drainage.

12. Material Standards For Screening: Any screening material required by this ordinance shall be an opaque barrier at least six (6) feet in height in all yards except the front yard which shall be between two and one-half (2 1/2) feet and three (3) feet in height. The design of the screen shall be such as to completely obscure the view of the noxious use from the neighboring property. The following are acceptable barriers:

(a) A solid wood and/or masonry fence or wall of a design approved by the community development director.

(b) A hedge or random, informal screen of conifer (evergreen) plant material attaining the required minimum height within three (3) years of planting. The initial height of plantings shall not be less than one-half (1/2) the required minimum height.

(c) A landscaped earth berm with a maximum slope of 3:1, rising no less than the required minimum height above the existing grade of the lot line separating the zoning districts.

(d) Any combination of these methods that achieves a cumulative height no less than the required minimum height. (Ord. 5-93, §§ 21, 22, 2-2-1993)

18.67. Landscaping Requirements For Vehicular Use Areas:

1. Interior landscaping area:

(a) For vehicular use areas greater than four thousand (4,000) square feet but less than thirty thousand (30,000) square feet, an area equivalent to a minimum five (5) percent of the total vehicular use area shall be landscaped. The required landscaped area shall be located in the interior of the vehicular use area.
(b) For vehicular use areas greater than thirty thousand (30,000) square feet, an area equivalent to a minimum of seven (7) percent of the total vehicular use area shall be landscaped. The required landscaped area shall be located in the interior of the vehicular use area.

(c) Vehicular use areas less than four thousand (4,000) square shall be exempt from interior landscaping requirements.

(d) Interior landscaping may be provided in the corners of the parking area, islands and strip plantings.

2. Parking shall be allowed in the front yard of properties conforming to the requirements of these landscape regulations. However, the minimum depth requirement of landscaping set forth in Section 18.65 shall be strictly adhered to.

3. There shall be sufficient barriers to protect all landscaped areas from vehicular damage.

4. The vehicular use area must terminate at least five (5) feet from any exterior building wall. Exceptions may be made where it is necessary to cross the nonvehicular use area to gain access to the buildings and for drive-up facilities, such as banks and restaurants.

5. Reserved.

6. If any vehicular use area, other than a driveway, is located within the required front yard, screening shall be provided between said vehicular use area and the front property line.

7. Landscaping sufficient to achieve the stated intent of these regulations shall be required for covered and underground parking structures as determined by the community development director. (Ord. 39-91, §§ 4, 5, 9-3-1991)

18.68. Tree Requirements:

1. Provision Of Trees: One "tree factor" shall be required for every seven hundred (700) square feet of an area determined by multiplying the minimum depth of the street yard and the width of the lot. A credit of one percent of the tree factor shall be granted for every three (3) percent that the area of the street yard exceeds the minimum area acceptable. The tree factors used to meet this requirement shall be located within the streetyard. In any other landscaped area required by these regulations, one "tree factor" shall be planted and maintained for each five hundred (500) square feet of such landscaped area. One "tree factor" shall equal one deciduous overstory tree or its equivalent as set forth in a handbook developed and occasionally updated by the community development department. (Ord. 39-91, § 6, 9-3-1991)

2. Credit For Preservation Of Existing Trees: Existing trees approved by the community development director for preservation shall be counted toward satisfaction of this provision. Preservation of each healthy existing tree of an approved species shall count as double the tree factor credit as set forth in a handbook developed and occasionally updated by the community development department. Additional credit can be counted towards the tree requirement for the preservation of exceptional trees as determined by the community development director.
3. Protection Of Existing Trees To Be Preserved: Fences shall be constructed five (5) feet outside of the dripline of all trees to be preserved. No grading, filling or other construction activity shall occur within the fence. (Ord. 39-91, § 6, 9-3-1991)

18.69. Changes To Approved Landscape Plan: The landscaping shall be installed and maintained according to the approved landscape plan except where authorized changes are permitted. The approved landscape plan and supporting data shall be binding on the applicants, their successors, grantees and assigns:

1. Major Changes: A change in the approved site development plan or landscape plan which alters the landscape requirements or the concept or intent of the landscape design, including but not limited to a change in the vehicle use area, type of screening and general location, size or type of landscape materials, shall be approved only by submission of a new site plan in accordance with the procedures previously set forth for the approval of site development plans.

2. Minor Changes: The city planner may approve minor changes in the site development plan which do not change the concept or intent of the development.

3. Approved Plans Superseded By Approved Revised Plans: All approved landscape plans superseded by an approved revised landscape plan shall be considered to be null and void at the time of approval of the revised plan. (Ord. 13-91, § 1, 4-2-1991)

18.7. SIGNS:

18.71. Intent And Purpose: This section is intended to control and regulate the development of signs within the City of Bettendorf. There is a significant relationship between the manner in which signs are displayed, the public health, safety and welfare, and the value, compatibility and economic stability of adjoining property, its land use and the city. The reasonable display of signs is necessary as a service to the people in the conduct of competitive commercial and industrial activity and to promote freedom of expression. The regulations in this section establish standards for the display of signs in direct relationship to the above stated purposes and directives. (Ord. 8-85, 5-7-1985)

18.72. Reserved:

18.73. Permits Required: Permits required when the regulations of this section require a permit, said permit shall be obtained from the zoning administrator. Where sections of the Code of Bettendorf as applied to structures, particularly the uniform sign ordinances as adopted by the city, are applicable, said permits must also be approved by the Bettendorf Building Department. (Ord. 8-85, 5-7-1985)

18.74. General Requirements: All signs must comply with the following conditions:

1. No sign shall be placed so as to obstruct vision at street intersections and driveway intersections for oncoming vehicles.

2. When a permit is required on any particular sign, said sign shall display the name of the owner and erector.
3. No sign shall block any required accessway or window.

4. No sign shall be attached to a tree or utility pole.

5. All signs not authorized by this section are prohibited.

6. No signs other than public service and safety signs shall be permitted on public property unless authorized by the governmental agency having control thereof. (Ord. 8-85, 5-7-1985; Ord. 31-87, § 1, 4-7-1987)

18.75. Removal And Conformance Requirements: It is the intent of this section to recognize that the eventual elimination, as expeditiously as it is reasonable, of existing signs that are not in conformity with the provisions of this section is as much a subject of the health, safety and welfare of the public as is the prohibition of new signs that would violate the provisions of this section. It is also the intent of this section that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established private property rights. The zoning administrator shall cause removal of a sign or sign structure if the property owner fails to comply with the standards of this section within ten (10) days after being issued a written notification from the zoning administrator. Any expense incurred by the city in removing or repairing the sign or sign structure shall be paid by the owner of the property to which the sign is attached.

1. Obsolete signs. Any nonconforming off-premises sign which does not advertise a bona fide business, product or organization or becomes obsolete because the business or organization has relocated shall be removed by the owner within one hundred twenty (120) days of the termination or relocation of the business, product or organization being advertised. Removal of obsolete signs shall include the supporting structure, exclusive of any building, if all signs on the structure are obsolete.

Any nonconforming off-premise sign which is severely damaged and requires over fifty (50) percent of the cost of replacement for repair shall be removed within one hundred twenty (120) days after the date of the damage. Removal of damaged signs shall include the supporting structure exclusive of any building, if all signs on the structure are nonconforming.

2. Any obsolete sign which does not advertise a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the structure upon which such sign may be found within ten (10) days after written notification from the zoning administrator. Upon failure to comply with such notice within the time specified in such order, the zoning administrator may cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property to which such a sign is attached.

3. Unsafe and unlawful signs. If the zoning administrator shall find that any sign is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this section, he shall give written notice to the person to whom the zoning certificate had been issued. If he fails to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, such sign may be removed or altered to comply by the zoning administrator at the expense of the zoning certificate issuee or owner of the property upon which it is located.
The zoning administrator shall refuse to issue a zoning certificate to any such party or owner who refuses to pay costs so assessed. The zoning administrator may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

4. Alterations. No display sign or outdoor advertising device shall be altered, rebuilt, enlarged, extended, or relocated except in conformity with the provisions of this ordinance. The repainting, changing of parts and preventative maintenance of signs shall not be deemed to be alterations.

5. Maintenance. The owner of any sign requiring a permit shall be required to maintain an exterior which is properly painted, galvanized or otherwise treated to prevent rust and deterioration of all parts and supports. (Ord. 8-85, 5-7-1985)

18.76. Permitted Sign Within Zoning Districts: This subsection sets forth which types of signs are permitted in the various zoning districts of the city. It is divided into four (4) categories for ease of locating the zoning district involved. To the right of each type of sign is set forth the zoning districts in which it is permitted, listed by abbreviations. The notation "NP" indicates that "no permit" is required for that sign. The notation "P" indicates that a permit is required for that sign.

1. The following signs are permitted in the agricultural district's indicated below. Detailed regulations for each number are listed in subsection 18.77.

Agricultural:

006 Church Bulletins. A-1, A-2, P

008 For Sale or For Lease. A-1, A-2, NP

009 Flags. A-1, A-2, NP

011 House Number. A-1, A-2, NP

016 Nameplates. A-1, A-2, NP

017 Off-Premise Advertising. A-1, P

022 Parking Lot Instructional. A-1, A-2, NP

023 Parking Entrance/Exit. A-1, A-2, NP

025 Temporary Mobile. A-2, P

026 Fee Marker with Off-Premise Advertising. A-1, A-2, P

028 Subdivision Temporary. A-2, P

029 Political Signs. A-1, A-2, NP
2. The following signs are permitted in the residential districts as indicated below. In any planned overlay residential district, the regulations of the residential zone being overlaid shall apply unless more restrictive agreements pertain. Detailed regulations for each number are listed in subsection 18.77.

Residential:

006 Church Bulletins. R-1, R-2, R-3, R-4, R-5, P
008 For Sale or For Lease. R-1, R-2, R-3, R-4, R-5, NP
009 Flags. R-1, R-2, R-3, R-4, R-5. NP
011 House Number. R-1, R-2, R-3, R-4, R-5, NP
016 Nameplates. R-1, R-2, R-3, R-4, R-5, NP
021 Parking Lot Instructional. R-3, R-4, R-5, NP
022 Parking Entrance/Exit. R-4, R-5, NP
026 Fee Marker with Off-Premise Advertising. R-1, R-2, R-3, R-4, R-5, P
027 Subdivision Temporary. R-1, R-2, R-3, R-4, R-5, P
029 Political Signs. R-1, R-2, R-3, R-4, R-5, NP

3. The following signs are permitted in the commercial districts as indicated below. Detailed regulations for each number are listed in subsection 18.77.

Commercial:

001 Awning Sign. C-1, C-2, C-3, C-4, C-7, NP
002 Automobile Gas Station Sign Oil Can Rack. C-1, C-2, C-3, C-4, NP
003 Automobile Gas Station Sign Tire Rack. C-1, C-2, C-3, C-4, NP
004 Automobile Gas Station Sign Door. C-1, C-2, C-3, C-4, NP
008 For Sale and For Lease. C-1, C-2, C-3, C-4, C-5, C-6, C-7, P
009 Flags. C-1, C-2, C-3, C-4, C-5, C-6, C-7, NP
011 House Number. C-1, C-2, C-3, C-4, C-5, C-6, C-7, NP
014 Changeable Type or Marquee Sign. C-7, P
016 Nameplate. C-1, C-2, C-3, C-4, C-5, C-6, C-7, NP
018 Off-Premise Advertising. C-3, C-4, P
020 On-Premise Identification. C-1, C-2, C-3, C-4, C-5, C-6, C-7, P
022 Parking Lot Instructional. C-1, C-2, C-3, C-4, C-5, C-6, C-7, NP
023 Parking Lot Entrance/Exit. C-1, C-2, C-3, C-4, C-5, C-6, C-7, NP
025 Temporary Mobile. C-1, C-2, C-3, C-4, C-5, C-6, C-7, P
027 Shopping Center. C-2, C-3, C-5, C-7, P
028 Subdivision Temporary. C-1, C-2, C-3, C-4, C-5, C-6, C-7, P
029 Political Signs. C-1, C-2, C-3, C-4, C-5, C-6, C-7, NP

4. The following signs are permitted in the industrial districts as indicated below. Detailed regulations for each number are listed in subsection 18.77.

Industrial:

002 Automobile Gas Station Sign Oil Can Rack. I-2, I-3, P
003 Automobile Gas Station Sign Tire Rack. I-2, I-3, P
004 Automobile Gas Station Sign Door. I-2, I-3, P
008 For Sale and For Lease. I-1, I-3, NP
009 Flags. I-1, I-2, I-3, NP
011 House Number. I-1, I-2, I-3, NP
016 Nameplate. I-1, I-2, I-3, NP
019 Off-Premise Advertising. I-2, I-3, P
020 On-Premise Identification. I-1, I-2, I-3, P
022 Parking Lot Instructional. I-1, I-2, I-3, NP
025 Temporary Mobile. I-1, I-2, I-3, P
029 Political Signs. I-1, I-2, I-3, NP

(Ord. 8-85, 5-7-1985; Ord. 31-87, § 1, 5-7-985)

18.77. Specific Sign Regulations: All signs which are listed in section 18.76 are listed below. The following regulations govern the use of specific types of signs which are allowed within the
applicable zoning districts. Subsections (1) through (8) below explain the standards, phrases, and abbreviations subsequently used for each type of sign.

1. Type: Each sign has a "Type Str." item which shows the permitted type of sign structure which is permitted as shown in the applicable table.

"Mon" shall indicate a ground-mounted monument sign.

"Pole" shall indicate a sign mounted upon a pole or poles raised up seven (7) feet above ground level.

"Bldg" shall indicate signs attached to a building.

"1 face" shall indicate a sign structure with not more than one sign surface.

"2 face" shall indicate a sign with one sign surface or not more than two (2) sign surfaces where the two (2) sign surfaces back to each other and face opposite or nearly opposite directions.

Types of sign not listed below are not permitted for that sign.

2. Size: Any sign shall not exceed the maximum number of square feet listed for that sign on any one side or surface as shown in the applicable table.

3. Illumination: Signs may be illuminated when indicated in the applicable table by one of four (4) general methods shown as "Illum.

"Flood" for an illumination permitted by a light shining upon the sign located apart from the sign structure and directed toward the sign.

"Back" for an illumination permitted by producing a sign translucent in total or in part and placing light behind and within the structure of such sign.

"Sil" for an illumination permitted by producing a sign with opaque characteristics and placing a light behind the characteristics so as to outline the characteristic with the glow from the lighting source creating a silhouette.

"None" for no illumination permitted at all.

4. Height: Any sign shall not exceed the maximum height in feet above average ground level listed for that sign as shown in the applicable table. The bottom of any pole sign shall not be lower than seven (7) feet above average ground level. "NTE" refers to "not to exceed."

5. Location: Signs (not attached to buildings) are permitted on that portion of each parcel indicated for that sign as shown on the applicable table. The notation "NCT" shall mean that a sign must be located "not closer than" the designated distance from the property line. "None" shall mean no restriction as to location on the parcel other than those written in 18.74 above.

6. Number: No category of sign shall be displayed in greater number than listed in the
applicable table except the phrase "1 per interior lot" shall also mean two (2) per corner lot with one sign oriented to each of the streets forming the corner.

7. Special conditions: Each sign may have a "Special Conditions" item which may indicate other condition or restriction not previously listed.

8. Projection: Sign may project from a building into the setback by not more than the applicable number shown in the table below.

**TABLE OF SIGN TYPES, DEFINITIONS AND RESTRICTIONS**

Listed below are the types of signs permitted followed by a definition of each sign type and a table of the standards governing the characteristics of each.

<table>
<thead>
<tr>
<th>Code</th>
<th>Type</th>
<th>Definition</th>
<th>Location</th>
<th>Size</th>
<th>Height</th>
<th>Number</th>
<th>Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>Awning sign. A sign which is designed into the material composing the awning which may serve as an on-premise identification and advertising sign.</td>
<td>On awning, 1 face</td>
<td>Flood</td>
<td>Same as awning</td>
<td>300 sq. ft. ea. per frontage</td>
<td>Same as awning</td>
<td>4 ft.</td>
</tr>
<tr>
<td>002</td>
<td>Automobile gas station sign oil can rack. A sign on an oil rack at a service station.</td>
<td>Attached to rack, 1 face</td>
<td>None</td>
<td>On gasoline pump island or within 15 ft. of building</td>
<td>Area of oil rack</td>
<td>6 ft.</td>
<td>2</td>
</tr>
<tr>
<td>003</td>
<td>Automobile gas station sign tire rack. A sign on a tire rack at a service station.</td>
<td>Attached to rack, 1 face</td>
<td>None</td>
<td>On tire rack within 15 ft. of bldg.</td>
<td>Area of tire rack</td>
<td>10 ft.</td>
<td>2</td>
</tr>
<tr>
<td>004</td>
<td>Automobile gas station sign door. A sign painted or otherwise attached to the door on a service station.</td>
<td>Attached to door of bldg, 1 face</td>
<td>None</td>
<td>Buildable area on overhead door</td>
<td>Same as doors</td>
<td>Same as doors</td>
<td>None</td>
</tr>
<tr>
<td>005</td>
<td>Clocks. A commercial size clock capable of being read beyond the property on which it is located.</td>
<td>Mon, Pole, Bldg, 2 face</td>
<td>Back, Flood</td>
<td>Buildable area only</td>
<td>300 sq. ft.</td>
<td>30 ft.</td>
<td>1 per interior lot</td>
</tr>
<tr>
<td>006</td>
<td>Church bulletins. A sign which may be...</td>
<td>Mon, Pole, Bldg, 2 face</td>
<td>Back, Flood</td>
<td>Buildable area only</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Loc: NCT 10 ft. to front property line and other buildable areas |
| 008 |

For sale and for lease. A sign which is temporary and is intended to indicate that the immediate perimeter or land is available for sale or for lease and contains the corporate and/or private name and phone and/or address of the agent who may be contacted for inquiries concerning the property.

| Type Str: Mon, Pole, Bldg, 2 face III: None Loc: No restriction |
| Size: 32 sq. ft. Height: 15 ft. Number: 1 per interior lot Projection: None |
| 009 |

Flags. A flag of the United States, the State of Iowa or the City of Bettendorf. Insignia of United States, State of Iowa or City of Bettendorf.

| Type Str: Pole, Bldg, 2 face III: Flood Loc: No restriction Projection: 30 ft. from pole |
| Size: No limit Height: 50 ft. Number: No limit |
| 011 |

House numbers. Also known as street address numbers, is a small sign with the numerals or written number which has been assigned as the progressive number which indicates the relative location along a street or place of the premises concerned.

| Type Str: Bldg, 1 face III: Back, Flood, Sil Loc: Buildable area on building of each bldg. Projection: 2 ft. from structure |
| Size: 2 sq. ft. Height: 10 ft. in res. Number: 1 for each wall |
| 014 |

Changeable type or marquee sign. A fixed sign either mounted on the ground, on a pole, or on a building, which has letters which can be changed so as to make new messages.

| Type Str: Pole, Bldg, Mon, 2 face III: Back, Flood Loc: Buildable area |
| Size: 300 sq. ft. Height: 30 ft. Number: 1 per interior lot Projection: 4 ft. |
| 015 |

Memorial signs. Grave markers made as a permanent identification of remains.
016 Nameplates. A small sign which contains the name of one individual or a married couple or a family surname or company name, as an identification for a specific doorway or building.

Type Str: Bldg, Mon, 2 face Ill: Flood, Back Loc: No restrictions Projection: 2 ft.

Size: No limit Height: No limit Number: No limit

017 Off-premise advertising. A sign which advertises a business, service, product, or activity at a location other than where the business, service, product, or activity is located and is located in an agricultural zoning district. Often referred to as billboards.

Type Str: Pole, Mon, Bldg, except front, 2 face Ill: Back, Flood Loc: Buildable area except Bldg. front Special Conditions: The minimum distance between any two (2) such structures facing the same direction on the same street shall not be less than 1,500 feet. No sign permitted within 500 feet of a residential district or public park of five (5) acres or more. The gross area in square feet of all signs on a zoning lot shall not exceed six (6) times the lineal feet of frontage of such zoning lot, or the general signage restriction of this section, whichever is smaller.

Size: 672 sq. ft., but within 800 ft. of an interstate highway right-of-way a sign oriented toward interstate traffic may be as large as 784 sq. ft. Height: 30 ft. for a separate structure, or when attached to a building, 4 ft. above roof parapet line whichever is lower. Number: Two (2) (2 face signs) on one structure not to exceed a total of 672 sq. ft. or 784 sq. ft. total per orientation. No other limit except as noted under special conditions.

018 Off-premise advertising. A sign which advertises a business, service, product, or activity at a location other than where the business, service, product, or activity is located and is located in a commercial zoning district.

Type Str: Pole, Mon, Bldg, except front, 2 face Ill: Back, Flood Loc: Buildable area except Bldg. front signs shall be shielded whenever necessary so as to avoid casting bright light upon any property in a residential district.

Special Conditions: All such structures shall not be closer than 1,500 feet to other such structures as measured along the same street.

Size: 672 sq. ft. Height: 30 ft. for a separate structure, or when attached to a building, 4 feet above roof parapet line whichever is lower. Number: Two (2) (2 face signs) on one structure not to exceed a total of 672 sq. ft. per orientation. No other limit except as noted under special conditions.

019 Off-premise advertising. A sign which advertises a business, service, product, or activity at a location other than where the business, service, product, or activity

Type Str: Pole, Mon, Bldg, except front, 2 face Ill: Back, Flood Loc: Buildable area except Bldg. front
is located and is located in an industrial zoning district.

Type Str: Pole, Mon, Bldg, ex- cept front, 2 face Ill: Back, Flood, Sil Loc: Buildable area, except front of Bldg. Special Conditions: No sign permitted within 500 feet of a residential district or public park of five (5) acres or more. All such structures shall not be closer than 1,500 feet to other such structures as measured along the same street. The gross area in square feet of all signs on a zoning lot shall not exceed six (6) times the lineal feet of frontage of such zoning lot, or the general signage restriction of this section, whichever is greater.

Size: 672 sq. ft Height: 30 ft. for a separate structure, or when at- tached to a building 4 feet above roof parapet line not to exceed 30 feet whichever is lower. Number: Two (2) (2 face signs) on one structure not to exceed a total of 672 sq. ft. per orientation. No other limit except as noted under special conditions.

On-premise identification and advertising sign. A sign which displays the name and/or products and/or service which can be purchased on the premises where the sign is located.

Size: 300 sq. ft. if erected at or behind the required yard line. 60 sq. ft. if erected, within a required yard. Height: 30 ft. if erected at or behind the required yard line. 20 ft. if erected

Parking instructional signs. A sign located adjacent to driveway and parking areas which instructs the users as to restriction and regulations controlling the parking area such as but not limited to private parking areas, hours of parking, one-way entrances, no parking area, towing policy.

Size: 9 sq. ft. Height: 7 ft. Number: 1 per interior lot Projection: 4 ft.

Parking entrance exit. A sign located along a driveway entrance or exit to some type of parking area which indicates the use of the driveway as an entrance and/or exit.

Size: 2 sq. ft. Height: 7 ft. Number: 1 per entrance Projection: 4 ft.

Public service and safety. A sign authorized by a governmental agency with highway directions, parking
restrictions, information of government regulations for traffic control, street names or other public purposes.

Type Str: Pole, Bldg, Mon, 2 face Ill: Back, Flood Loc: On public property
Size: No limit Height: No limit Number: No limit Projection: No limit

Temporary mobile sign. Signs which are temporary and can easily be moved to another location and which have moveable type.

Type: Mon, 2 face Ill: Back, Flood Loc: Owner's property Special conditions: No sign shall be permitted for more than 60 days. No additional reapplication shall be considered sooner than 60 days after termination of the last such permit.

Size: 32 sq. ft. Height: 10 ft. max Number: 1

Tee marker with off premises advertising. A sign located it a tee on a golf course containing a graphic representation of the current hole on the front and off premises advertising on the opposite side.

Type: Mon, 2 face, wood with an etched surface Ill: None Loc: Within 20 feet of the area designated for the tee
Special restrictions: No sign shall be located so that any advertising is visible from any adjoining roadway or property outside of the golf course. The front side may contain, in addition to the graphic representation of the current hole, the name or logo only of the advertiser on the opposite side. Said name or logo shall cover no more than twenty (20) percent of the sign face.

Size: 9 sq. ft. Height: 7 ft. max. Number: 1 per tee Projection: None

Shopping center. A sign which identifies a complex of retail or office establishments which are serviced by common parking and driveway facilities and are in a complex of at least three (3) commercial establishments on the same property or adjacent properties. Such a sign is allowed in lieu of on-premise identification pole signs for each individual business.

Type Str: Pole, Bldg, Mon, 2 face Ill: Back, Flood, Sil Loc: No restriction Number: 1 per interior lot
Projection: 4 ft.
Size: 500 sq. ft. Height: Min. 8 ft., max. 30 ft.

Subdivision Temporary. A sign located at a new development which is intended to identify the development until the project is complete, where there are multiple
1. Location and size. No such signs shall be placed on public property. Such signs may be located in a required yard in any district, except none shall be within thirty (30) feet of a corner street lot line intersection. No such sign shall exceed thirty-two (32) square feet in surface area nor eight (8) feet in horizontal length.

2. Height. Such signs shall not exceed five (5) feet in height.

3. Time limit. Such signs shall not be erected more than forty-five (45) days prior to the election to which they pertain. Such signs shall be removed or caused to be removed by the person or organization responsible for the erection or distribution of such signs, or by the owner of the property upon which they are located, or by such owner's agent no later than seven (7) days after the election to which such signs pertain unless a primary or special election sign continues to be pertinent to a general election to be held within forty-five (45) days after said primary or special election, in which case such signs may remain for a period not to exceed seven (7) days after such general election.

4. Permit. No additional permits shall be required.

5. Penalty. Any person who violates this section will be given forty-eight (48) hours from the time the violation is discovered and the offender notified to come into compliance herewith. Thereafter the offense may be prosecuted as a municipal infraction. (Ord. 8-85, 5-7-1985; Ord. 31-87, § 1, 4-7-1987; Ord. 46-87, § 1, 8-18-1987; Ord. 22-88, § 1, 5-19-1988; Ord. 18-92, § 3, 5-19-1992; Ord. 32-92, § 2, 7-21-1992; Ord. 22-99, 7-20-1999; Ord. 27-04, 8-17-2004)

18.8. ADULT ENTERTAINMENT LAND USES:

1. Definitions:

(a) Adult movie theater. An enclosed building used for presenting motion picture films, videocassettes, cable television, or any other visual media, distinguished or characterized by emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" as defined below, for observation by persons therein. For purposes of this section, the size and description of the viewing room shall not affect characterization of the building as a theater; however, nothing in this section shall be deemed to regulate the viewing habits of persons in the privacy of their homes.

(b) Adult bookstore. A retail store for the sale, rental, or exchange of books, magazines, or videocassettes, distinguished or characterized by primary emphasis on matter depicting,
describing or relating to "specific sexual activities" or "specified anatomical areas" as defined below. Adult bookstores do not include businesses which sell, rent or exchange videocassettes as a sidelight or adjunct to sales or rental of video cassettes not relating to "specific sexual activities" or "specified anatomical areas".

(c) *Specific sexual activities*. Includes displays of the following:

1. Any act of sexual intercourse, actual or simulated, including genital-genital, anal-genital, or oral-genital, whether between human beings, or a human being and an animal.

2. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.

3. Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.

4. Physical contact as simulated physical contact with the unclothed pubic area or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

5. An act of sexual assault where physical violence or drugs are employed to overcome the will of or achieve the consent of a person to an act of sexual conduct and the effects or results of the violence or drugs are shown.

(d) *Specified anatomical areas* shall include the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below the point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(e) *Used*. Describes a continuing course of conduct exhibiting "specific sexual activities" and "specified anatomical areas" in a manner that appeals to the prurient interest.

(f) *Adult entertainment facility.*

1. Building in which:
   a. Entertainers routinely remove all or portions of their clothing as a part of their performance, regardless of whether the business has a license to sell alcohol; or
   b. Entertainers allow patrons to observe specific sexual activities or specified anatomical areas involving such entertainers.

2. For the purpose of this section, an entertainer shall be a person who either works as an employee of the business, is an agent of the business, or an independent
contractor who has been hired or is allowed by the business to perform for the apparent pleasure or gratification of the patron.

(3) Examples of adult entertainment facilities would include but not be limited to gentlemen's clubs, strip-bars, "full-nudity" juice bars, and nude modeling clubs.

2. Adult movie theaters, adult book stores and adult entertainment facilities are prohibited within one thousand (1,000) feet from the following specified uses or zones:

(a) From any residential zone (R1, R2, R3, R4, R5, and residential PUD developments).

(b) From any public or private school.

(c) From any church or religious facility or institution.

(d) From any public park.

The distance provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

3. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance or any business, building or use which violates any other provisions of law.

4. No adult movie theater, adult book store, or adult entertainment facility shall be located closer than three hundred (300) feet to any other adult movie theater, adult book store, or adult entertainment facility. (Ord. 4-96, § 3, 1-2-1996)

18.9. DETAILED SITE PLAN:

18.91. When required by board or commission for planned development and special use requests, a site plan for an area may contain and locate by notation, as the board or commission may require:

1. Existing grading and proposed grading at two (2) foot contours.

2. Proposed street and existing street with both paving and right-of-way indicated.

3. All utility easements, both privately owned and municipal, and any proposed.

4. Outline of proposed or existing building on the site.

5. Proposed or existing paving or surfaced area for driveways or parking lots, or other uses for durable surface.

6. Proposed or existing sidewalk locations and easements, if appropriate.
7. Proposed and existing landscaping and other existing natural features.

8. Proposed or existing sign location and sign height.

9. Location map, locating the site within the City of Bettendorf.

10. Identification of existing and proposed plats and development on adjacent property as well as the location of existing and proposed signs within one hundred (100) feet of the site.

11. Proposed or existing property lines.

12. Proposed or existing fencing and identification of the type and height of fence.

13. Proposed or existing access or other easements.

14. Location of proposed or existing manholes, drainage intake, fire hydrants, utility pole anchors and guides.

15. Front, side and rear setbacks.

16. Key plan, legend and notes.

17. The scale, north point and date.

18. Proposed and existing features not otherwise mentioned, such as specific recreational areas and equipment, water retention areas, ponds, waterways, etc.

19. Perspective drawing of the site showing concept described in the site plan, specifically representing the building and sign appearance and contour effect of the site.

20. Elevation plans for exterior vertical and horizontal design of the buildings and sign which are being contemplated.

21. Construction plans for public or private improvements for streets and sewer in accordance with the procedures of Chapter 28 of the Bettendorf Municipal Code.

22. Legal documents such as but not limited to homeowners' association, restrictive covenants, agreement contracts or other documents necessary to insure the concept involved. (Ord. 15-79, 5-15-1979)

18.92. Site Plan Review:

1. Purpose: In accordance with the comprehensive plan of the City of Bettendorf, it is essential that new developments on currently undeveloped land meet established minimum standards for the design of such developments, to protect existing developments, to insure adequate provisions for public/private utilities, such as sewer, water, and roads, and promote the health, safety, and general welfare of the public.

2. Application: A site plan review is required whenever a person, firm, corporation or other
group wishes to develop a tract of land for other than single-family or duplex residential use. If the proposed use is a principal permitted use within that zoning district, the planning and zoning commission will review the site plan. For special uses, the site plan shall require review by the commission and approval of such special use by the board of adjustment. All applications shall have the signature of the property owner, as well as the purchaser/developer, if any.

3. Procedure: Twelve (12) copies of the application and development plan for a proposal listed in paragraph 2 above shall be filed with the planning coordinator, who will determine if all the information is provided and adequate for review. Once all the required information is received, the planning coordinator shall immediately forward copies of the site plan to the city engineer, fire chief and zoning administrator for their review and recommendation. Notification signs shall be posted by the applicant in accord with the requirements of section 6 of this section 18.92. The planning coordinator will schedule a review by the planning and zoning commission at the next regular meeting beyond ten (10) working days of official receipt.

(a) The planning and zoning commission shall review the site plan proposal at said meeting and receive a report from the city engineer, fire chief, the zoning administrator, the planning coordinator and receive comments from the public. The commission shall make its determination of conditions for approval of the site plan within thirty-five (35) days of the first meeting. If no action is forthcoming within the thirty-five (35) days, the site plan shall be forwarded on to the city council for action. The city council shall not act upon the site plan proposal until it has received a recommendation from the planning and zoning commission unless such recommendation is not received within sixty (60) days from the filing date.

The city council shall, after considering the planning and zoning commission recommendations, approve, approve with modifications, or deny any proposal by resolution. The city council may include such conditions in its resolution of approval as it deems necessary in order to accomplish the stated purpose of this section. If the site plan proposal is not acted upon finally by the city council within sixty (60) days of the date the council receives the planning and zoning commission recommendation, and such time is not extended by mutual consent of the council and petitioner, it shall be deemed denied.

The petitioner may request that his site plan proposal be held from further action for an unstated length of time; however, if such length of time exceeds one hundred eighty (180) days the proposal shall be considered withdrawn and shall be reconsidered only upon refiling a new proposal meeting all requirements of this chapter.

4. Site plan review standards: The standards of site design listed below are intended only as minimum requirements, so that the general development pattern in the City of Bettendorf may be adjusted to a wide variety of circumstances and topography, and to insure reasonable and orderly growth in Bettendorf.

(a) All proposed developments shall conform to the land use policies of the comprehensive plan of the City of Bettendorf; the subdivision ordinance standards and procedure, where applicable; such other city ordinances as may pertain to such developments; and any applicable rules and regulations of the Iowa Department of Transportation, the Department of Health, the Iowa Department of Natural Resources and other agencies of the State of Iowa.
(b) Internal roads and streets shall be adequately constructed to accommodate the traffic generated. Entrances and exits on to public streets shall not unduly increase congestion or traffic hazards on the public streets and the proposed site.

(c) The proposed development shall be designed with appropriate regard for topography, surface drainage, natural drainageways and streams, wooded areas, and other naturally sensitive areas which lend themselves to protection from degradation.

(d) The proposed development shall be designed with adequate water supply and sewage treatment facilities and storm water drains and structures necessary to protect the public health and welfare by not overloading existing public utilities. Except when waived by the city council, runoff from development shall not be outletted into drainage facilities in excess of the existing runoff prior to development.

(e) The proposed development shall be designed, and the buildings and improvement shall be located within the tract or parcel in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or surrounding property. And to such end, the developer shall provide for such fences, landscaping and other improvements as are proper and necessary to buffer the proposed use from the existing or potential surrounding land uses.

(f) The proposed development shall be designed not to unduly increase the public danger of fire, explosion, and other safety hazards on the general public and the persons residing or working in adjoining or surrounding property.

5. Information on site plan: The purpose of the site plan is to show the facts needed to enable the planning and zoning commission and city council to determine whether the proposed development meets the requirements of this chapter and complies with the standards listed in paragraph 4 above. The site plan at a scale of one inch equals twenty (20) feet [1:240] or larger shall be prepared by an engineer, landscape architect, urban planner, or other similar professional and shall include the following:

(a) Location map showing relationship to surrounding roads, streams, and public facilities. (The location map may be at scale up to one inch equals thirty (30) feet [1:3,600]).

(b) The existing site conditions including contours at maximum five (5) foot intervals, water courses and floodplains, unique natural features, and all trees five (5) inches or more in diameter measured four (4) feet above natural ground line or general wooded areas.

(c) All required linear yard dimensions of the requested district and those provided if different from required.

(d) Parking spaces, drives, radius of curvature of ingress and egress drives, circulation patterns of traffic, access to public or private streets, and location of all structures.

(e) Physical characteristics pertinent to the development.

(f) The total lot area to be reclassified and exterior lot dimensions; the square footage and percentage of the lot covered by existing and proposed structure(s) and hard surfacing; and area of required yards and open space.
(g) The number of parking spaces required and number provided.

(h) The following identification: owner's name, the requested reclassification, location of the property, petitioner's name, address and phone number, agent's name and phone number if involved in the reclassification request.

(i) All dimensions necessary to assure that the proposed development is in accord with the requirements of this ordinance.

(j) Date, north marker, name of proposed development.

(k) Location and name of adjoining subdivisions, subdivision lots therein, and names of the adjoining landowners.

(l) Zoning district classification; type of water supply and sewage disposal and storm sewer disposal.

(m) Such other information as deemed necessary by the city council and/or city planning commission.

6. Public notification of site plan proposal:

(a) The city clerk, or person designated by the city clerk, shall provide each applicant requesting site plan approval with at least two (2) notification signs containing the date, time and place of the planning and zoning commission meeting. Said signs shall be clearly posted by the applicant on the property for which the request has been made. On large parcels, additional signs may be required to be posted. At least one sign must be placed so that it may be seen from a street, and in the case of through lots and/or corner lots, a sign shall be posted on both frontages. When a property is in the interior of a block or tract of land, additional signs may be required to be posted adjacent to and facing the surrounding properties. For each sign provided, the applicant shall pay a fee in an amount established, from time to time, by the city council by resolution.

(b) Posting Of Notification Signs. Notification signs shall be posted at least ten (10) days before the planning and zoning commission meeting which said dates shall be noted on the sign. It shall be the applicant's responsibility to see that said signs remain posted during the entire ten (10) day period. If the signs are not posted in accordance with the preceding requirements, the planning and zoning commission may delay action on the petition, except that if the applicant satisfies the commission that the signs were initially posted at least ten (10) days prior to the commission meeting and that the applicant made diligent efforts to keep the signs posted during the entire period, and that only circumstances beyond the applicant's control prevented a continuous posting, the commission may act on the petition.

(c) Action At Other Than Specified Times. If the commission is to initially act on the petitioner's request at any time other than that specified on the rezoning notification signs, the petitioner may be required to obtain and post new signs with new dates.

(d) Removal Of Signs. Signs required to be posted pursuant to this section must be removed within seventy-two (72) hours after the hearing date listed on the sign.
7. Changes To An Approved Site Development Plan. The development shall be developed according to the approved site development plan except where authorized changes are permitted. The approved site development plan and supporting data shall be binding on the applicants, their successors, grantees and assigns.

Major Changes: A change in the approved site development plan which alters the concept or intent of the development including a change in the configuration, increase in floor area or the height of buildings, an increase in intensity, a reduction of proposed open space, a change in road locations or standards, or other major changes, shall be approved only by submission of a new site plan in accordance with the procedures as previously set forth for the approval of site development plans.

Minor Changes. Addition or expansions of use of an existing facility or structures of not more than ten (10) percent of the existing structure may be considered a minor change. The development review committee may approve minor changes in the site development plan which does not change the concept or intent of the development.

8. Approved Plans Superseded By Approved Revised Plans. All approved site development plans superseded by an approved revised site development plan shall be considered to be null and void at the time of approval of the revised plan.

9. Fees. Before the site plan is considered by the commission, the developer or his agent shall pay a fee of fifty dollars ($50.00) for a site plan of five (5) acres or less, and one hundred dollars ($100.00) for a site plan on more than five (5) acres. (Ord. 43-87, § 1, 7-7-1987; Ord. 40-92, § 1, 9-15-1992; Ord. 19-00, 11-21-2000)

18.10. WIRELESS COMMUNICATION FACILITIES AND OVERLAY DISTRICT:

18.10.1. Purpose: The city recognizes that the city desires to encourage the orderly development of wireless communication technologies for the benefit of the city and its citizens. The city also recognizes the character of the communities of the city.

As a matter of public policy the city aims to encourage the delivery of new wireless technologies throughout the city while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Bettendorf, Iowa.

Specifically, this ordinance is designed to achieve the following:

(a) Provide a range of locations for wireless communication facilities in various zoning districts;

(b) Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed within the city;

(c) Encourage collocation and site sharing of new and existing wireless communication facilities;
(d) Control the type of tower facility constructed, when towers are permitted;

(e) Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;

(f) Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of wireless communications facilities by requiring reasonable siting conditions;

(g) Promote the use of suitable sites (public and private) for the location of wireless antennas, towers, and/or wireless communication facilities;

(h) Ensure the harmonious, orderly and efficient growth and development of the city;

(i) Stabilize the economy of the city through the continued use of the city’s suitable public resources;

(j) Provide overlay districts in which the zoning regulations permit the development of wireless communication facilities which are consistent with the requirements of the Telecommunications Act of 1996 and in the best interest of the future of the city;

(k) Provide clear performance standards addressing the siting of wireless communication facilities; and

(l) Streamline and expedite the permitting procedures to effect compliance with the Federal Telecommunications Act of 1996. (Ord. 36-99, 10-19-1999)

18.10.2. Certain Uses Not Covered: Nothing in this ordinance shall reduce any of the permitted uses of any zoned property within the city. Nothing in this ordinance shall affect the right of a property owner to use or develop their property consistent with existing zoning regulations. Nothing in this ordinance shall affect the right of a property owner to continue any legal nonconforming use. (Ord. 36-99, 10-19-1999)

18.10.3. Interpretation And Definitions:

(a) Construction Of Other Ordinances. To the extent this ordinance conflicts with the zoning ordinance, sign ordinance or any other ordinance of the city, this ordinance shall control.

(b) Rules For Words And Phrases. For the purposes of this ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended" or arranged to be used or occupied; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

(c) Definitions. For the purpose of this ordinance certain words, phrases and terms used herein shall be interpreted as stated in this subsection 18.10.3. Unless otherwise defined,
other words shall have the meanings normally ascribed to them. Questions as to interpretation shall be resolved by the board of adjustment.

For the purpose of this ordinance, all definitions defined herein are in addition to all definitions in the City of Bettendorf Zoning Ordinance.

**Antenna array**: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure.

**Attached wireless communication facility**: An antenna array that is attached to an existing building or structure (attachment structure), which structures shall include, but not be limited to, utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (attachment device) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

**Collocation/site sharing**: Use of a common wireless communication facility or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of a wireless communication facility on a structure owned or operated by a utility or other public entity.

**Equipment facility**: Any structure used to contain ancillary equipment for a wireless communication facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

**FTA**: Federal Telecommunications Act of 1996.

**Federal Aviation Administration**: FAA.

**Federal Communications Commission**: FCC.

**Height**: When referring to a wireless communication facility, "height" shall mean the distance measured from ground level to the highest point on the wireless communication facility, excluding the antenna array.

**Setback**: The required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

**Support structure**: A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (attachment device) which is used to attach an attached wireless communication facility to an existing building or structure (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

**Temporary wireless communication facility**: A wireless communication facility to be placed in use for ninety (90) or fewer days.
Tower use permit (TUP): A permit issued by the city specifically for the location, construction and use of a wireless communication facility subject to an approved site plan and any special conditions determined by the zoning administrator to be appropriate under the provision of this ordinance.

Wireless communications: Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless communication facility: Any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation. (Ord. 36-99, 10-19-1999)

18.10.4. Designation And Applicability: The city shall be divided into two (2) wireless communication facility overlay districts. Said districts shall include all lands situated within the city.

Wireless communication facility overlay district 1 shall include only those areas described in subsection 18.10.13 of this section and any areas subsequently added thereto less any areas subsequently deleted therefrom. Attached wireless communication facilities with support structure shall be permitted as provided herein in wireless communication facility overlay district 1.

Wireless communication facility overlay district 2 shall consist of all lands not included in wireless communication facility overlay district 1 which are located within the city. Attached wireless communication facilities shall be permitted as set out herein in wireless communication facility overlay district 2. Wireless communication facilities with support structures shall not be permitted under this ordinance in wireless communication facility overlay district 2.

(a) Permit Required. No person, firm or corporation shall install or construct any wireless communication facility unless and until a tower use permit (TUP) has been issued pursuant to the requirements of this ordinance.

(b) Preexisting Wireless Communications Facility. Wireless communications facilities for which a permit has been issued prior to the effective date of this ordinance shall be considered a nonconforming use and shall not be required to meet the requirements of this ordinance.

(c) Amateur Radio Exclusion. This ordinance shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. Such installations shall comply with any other applicable provisions of the zoning code.

(d) Relationship To Other Ordinances. This ordinance shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of wireless communication facilities.
(e) Airport Zoning. Any wireless communication facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.

(f) Building Codes. Construction of all wireless communication facilities shall comply with the requirements of the Bettendorf Building Codes and permitting process in addition to the requirements of this ordinance. (Ord. 36-99, 10-19-1999)

18.10.5. Allowable Uses/Development Criteria: Allowable uses, subject to the limitations within each overlay district, will include the underlying zoning district plus wireless communication facilities in compliance with the following development criteria:

(a) Height Standards. The following height standards shall apply to all wireless communications facility installations:

(1) Attached Wireless Communications Facilities. Attached wireless communication facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached (attachment structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum permitted height of that tower.

(2) Maximum Height. Wireless communication facilities with support structures shall have a maximum height as set out in subsection 18.10.13 of this section in wireless communication facility overlay district 1.

(b) Setback Standards. The following setback standards shall apply to all wireless communication facility installations:

(1) Attached Wireless Communication Facilities. Attached wireless communications facilities shall meet the setback provisions of the zoning district in which they are located. However, an attached wireless communication facility antenna array may extend up to thirty (30) inches horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.

(2) Wireless Communications Facilities With Support Structures. Wireless communications facilities with support structures shall meet the setback requirements for principal structures of the underlying zoning district in which they are located.

(3) Placement Of A Support Structure Within The Setback. Placement of a support structure for a wireless communication facility may be within the setback when adjoining property owners consent thereto and when an Iowa registered engineer certifies that the structure, in the event of failure, will collapse onto itself rather than fall toward other properties.

(c) Landscaping. The following landscaping requirements shall apply to all wireless communications facility installations:

(1) New Construction. New wireless communications facilities with support structures and attached wireless communication facilities with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance that
may now or hereafter be adopted.

(2) Landform Preservation. Existing mature tree growth and natural landform on the
site shall be preserved to the extent feasible; provided however, that vegetation that
causes interference with the antennas or inhibits access to the equipment facility may be
trimmed or removed.

(3) Existing Vegetation. Existing vegetation on a wireless communication facility site
may be used in lieu of required landscaping where approved by the zoning administrator.

(d) Aesthetics, Placement, Materials And Colors. Wireless communications facilities shall
be designed so as to be compatible with the existing structures and surroundings to the
extent feasible, including placement in a location which is consistent with proper functioning
of the wireless communications facility, the use of compatible or neutral colors, or
camouflage technology. Such designs shall comply with the appropriate additional
requirements specified in section 18.6 of this appendix.

(e) Lighting And Signage. The following lighting and signage requirements shall apply to
all wireless communications facility installations:

(1) Artificial Illumination. Wireless communications facilities shall not be artificially
illuminated, directly or indirectly, except for:

a. Security and safety lighting of equipment buildings if such lighting is appropriately
down-shielded to keep light within the boundaries of the site; and

b. Such illumination of the wireless communications facility as may be required by
the FAA or other applicable authority installed in a manner to minimize impacts on
adjacent residences.

c. Unless otherwise required by the FAA or other applicable authority, the required
light shall be red and shielded upward.

(2) Signage. Wireless communications facilities shall not display any signage, logos,
decals, symbols or any messages of a commercial or noncommercial nature, except for a
small message containing provider identification and emergency telephone numbers and
such other information as may be required by local, state or federal regulations governing
wireless communications facilities.

(f) Fencing. Wireless communications facilities with support structures shall be enclosed
by an opaque fence (excluding slatted chainlink) not less than six (6) feet in height. Security
features may be incorporated into the buffer and landscaping requirements for the site.
Nothing herein shall prevent fencing that is necessary to meet requirements of state or
federal agencies. Such fencing shall be deemed security fencing and permitted
notwithstanding the provisions of section 18.30 of this appendix. Notwithstanding anything
contained herein, no fencing will be allowed that blocks vision clearance as required by
section 18.29 of this appendix.

(g) Radio Frequency Emissions/Sound. The following radio frequency emissions
standards shall apply to all wireless communications facility installations:
Radio Frequency Impact. The FTA gives the FCC jurisdiction of the regulation of radio frequency (RF) emissions, and wireless communications facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.

FCC Compliance. In order to provide information to its citizens, copies of ongoing FCC information concerning wireless communications facilities and RF emissions standards may be requested. Applicants for wireless communications facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.

Sound Prohibited. No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

Structural Integrity. Wireless communications facilities with support structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended. Each support structure shall be capable of supporting multiple antenna arrays.

Collocation Agreement. All applicants for wireless communications facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other wireless communications facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The collocation agreement shall be considered a condition of issuance of a TUP (tower use permit). A TUP shall not be issued unless the applicant complies with the collocation policy outlined in subsection 18.10.8 of this section. (Ord. 36-99, 10-19-1999)

18.10.6. Review Process:

(a) Development Criteria. The applicable development criteria referred to herein are those set forth in subsection 18.10.5 of this section.

(b) Permitting Procedures. Attached wireless communications facilities with or without new building construction that meet the development criteria may be permitted by administrative review in all zoning districts except as hereinafter specified. All monopole-type (or other tower types, if any, specified in subsection 18.10.13 of this section) wireless communications facilities with support structures that meet the development criteria and that are located on properties in wireless communication facility overlay district 1 (listed in subsection 18.10.13 of this section) may be permitted by the zoning administrator as a permitted use. All others, regardless of type or location shall be subject to the site plan review process.

(c) Wireless Communications Facilities As A Part Of A Coordinated Development Approval. Wireless communications facilities as part of a proposed residential or nonresidential subdivision, planned unit development, site plan, rezoning, or other coordinated development approval shall be reviewed and approved through those processes.

(d) Wireless Communications Facilities For Temporary Term. Temporary wireless
communications facilities may be permitted by administrative approval for a term not to exceed ninety (90) days. Once granted, a temporary wireless communications facility permit may be extended for an additional ninety (90) days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the administrative review shall be expedited to the extent feasible. Denial of a request for a temporary permit may be appealed to the board of adjustment. (Ord. 36-99, 10-19-1999)

18.10.7. Approval Process:

(a) Application Submission. All requests for a tower use permit, regardless of wireless communication facility type shall submit an application in accordance with the requirements of this section.

(1) Application Contents. Each applicant requesting a TUP under this ordinance shall submit a sealed complete set of drawings prepared by a licensed architect and engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communications facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communication facility shall include a radio frequency intermodulation study with their application.

(2) Submission Requirements. Application for a TUP shall be submitted to the city planner on forms prescribed by the city. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. If planning and zoning commission or district commission review is required, the application and site plan shall be placed on the next available commission agenda in accordance with the agenda deadlines established.

(3) Application Fees. A plan review fee of five hundred dollars ($500.00) and a radio frequency intermodulation study review fee of five hundred dollars ($500.00) (collocation applicants only) shall accompany each application. These fees may be used by the city to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and radio frequency intermodulation study (if required).

(4) Technical Assistance. In the course of its consideration of an application, the city, the zoning administrator, the planning and zoning commission or the city council may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the city in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the city not to exceed one thousand five hundred dollars ($1,500.00) for the technical review and recommendation shall be reimbursed by the applicant prior to the final hearing on the TUP.

(b) Administrative Review. The following administrative review process shall apply to all wireless communications facility applications eligible for administrative review:
(1) Review Authority. Review of wireless communication facilities under this section shall be conducted by the city's consultant, the city planner, and the zoning administrator or their designees upon filing a wireless communication facility application.

(2) Review Criteria. Each application shall be reviewed for compliance with the development criteria specified in subsection 18.10.5 of this section.

(3) Timing Of Decision. The zoning administrator shall render a decision on the wireless communication facility application by written response to the applicant within ten (10) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant. Any application that is not reviewed within ten (10) business days shall be submitted to the planning and zoning commission for review.

(4) Deferral. The zoning administrator may defer administrative approval of wireless communication facilities for any reason. Deferral of administrative approval shall require submission to the planning and zoning commission for review.

(5) Application Denial. If administrative approval is not obtained or is denied due to noncompliance with the development criteria, the applicant may appeal the denial by applying for planning and zoning commission review.

(6) Application Approval. If the TUP application is in compliance with the development criteria and otherwise meets the requirements of this section, the zoning administrator shall issue a tower use permit.

(c) Planning And Zoning Commission Review. The following shall apply to all tower use permit applications requiring submission to the planning and zoning commission:

(1) Review Authority. The planning and zoning commission shall be the review authority for TUP applications not eligible for administrative review or otherwise referred to the commission.

(2) Notice. Notice of the application and the public hearing by the planning and zoning commission shall be accomplished in the same manner as a site plan under the zoning ordinance.

(3) Hearing. The planning and zoning commission shall review and consider the TUP application at a public meeting. At the meeting, interested persons may appear and offer information in support or opposition to the proposed application. The planning and zoning commission shall consider the following in reaching a decision:

   a. Development Criteria. The tower use permit application shall be reviewed for compliance with the development criteria set forth in subsection 18.10.5 of this section; provided that the applicable development criteria may be amended or waived so long as the approval of the wireless communication facility meets the goals and purposes of this ordinance. The planning and zoning commission may recommend an alternative development criteria by specific inclusion in a motion for approval.

   b. Tower Siting Conditions. The planning and zoning commission may impose conditions and restrictions on the application or on the premises benefited by the TUP as
it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communication facility with the surrounding property, in accordance with the purposes and intent of this ordinance. The violation of any condition shall be grounds for revocation of the TUP. The planning and zoning commission may recommend such conditions in addition to the development criteria upon the following findings:

1. The wireless communication facility would result in significant adverse visual impact on nearby residences.
2. The conditions are based upon the purpose and goals of this ordinance.
3. The conditions are reasonable and capable of being accomplished.

C. Action. Following the public meeting and presentation of evidence, the planning and zoning commission shall take one of the following actions:

1. Recommend the application as submitted;
2. Recommend the application with conditions or modifications;
3. Defer the application for additional information or neighborhood input; or
4. Deny the application in writing.

(4) Findings. All decisions rendered by the planning and zoning commission concerning a tower use permit shall be supported by written findings of fact based upon substantial evidence of record.

(5) Timing Of Decision. The planning and zoning commission shall render its decision within sixty (60) days or less of the final submission of all required application documents and technical review, however, this time may be increased due to deferrals by either the applicant or the planning and zoning commission.

(6) Appeals. The decision of the planning and zoning commission shall be referred to the city council, which shall approve, reject or modify such decision. Council action shall be based upon the same standards as used by the commission in its deliberations. (Ord. 36-99, 10-19-1999)

18.10.8. Shared Facilities And Collocation Policy:

(a) Collocation. All new wireless communication facilities shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to collocate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities. A TUP shall not be issued until the applicant proposing a new wireless communications facility shall demonstrate that it has made a reasonable good faith attempt to locate its wireless communication facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.
All wireless communication facilities with support structures up to a height of one hundred fifty (150) feet shall be engineered and constructed to accommodate at least three (3) antenna arrays. All wireless communication facilities with support structures up to a height of more than one hundred fifty (150) feet shall be engineered and constructed to accommodate at least four (4) antenna arrays. (Ord. 36-99, 10-19-1999)

18.10.9. Removal Of Abandoned Wireless Communication Facilities: Any wireless communication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the city, at its election, may require the wireless communication facility owner or the owner of the ground on which the tower is located, or both to remove the wireless communication facility within ninety (90) days after notice from the city to remove the wireless communication facility. If the abandoned wireless communication facility is not removed within ninety (90) days, the city may remove it and recover its costs from the wireless communication facility owner or owner of the ground. If there are two (2) or more users of a single wireless communication facility, this provision shall not become effective until all providers cease to use the wireless communication facility. (Ord. 36-99, 10-19-1999)

18.10.10. Nonconforming Wireless Communications Facilities: Wireless communication facilities in existence on the date of the adoption of this ordinance which do not comply with the requirements of this ordinance (nonconforming wireless communications facility) are subject to the following provisions:

(a) Expansion. Nonconforming wireless communication facilities may continue in use for the purpose now used, but may not be expanded without complying with this ordinance except as further provided in this section.

(b) Additions. Nonconforming wireless communications facilities may add additional antennas (belonging to the same provider or other providers) subject to administrative review under this ordinance.

(c) Repairs Or Reconstruction. Nonconforming wireless communications facilities which become damaged due to any reason or cause, may be repaired and restored to their former use, location, and physical dimensions subject to the provisions of this ordinance. Provided, however, that if the damage to the wireless communication facility exceeds fifty (50) percent of replacement cost, said wireless communication facility may only be reconstructed or repaired in compliance with this ordinance.

(d) Abandoned Use. Any nonconforming wireless communications facility not in use for twelve (12) months shall be deemed abandoned and all rights as a non-conforming use shall cease. (Ord. 36-99, 10-19-1999)

18.10.11. Revocation Of Tower Use Permits: Any tower use permit issued pursuant to this ordinance may be revoked after a hearing as provided hereinafter. If the zoning administrator finds that any permit holder has violated any provision of this ordinance, or has failed to make good faith reasonable efforts to provide or seek collocation, the zoning administrator shall notify the permit holder in writing that the TUP is revocable due to the permit holder’s noncompliance with the conditions of the permit and the zoning administrator shall convene a meeting with the permit holder no later than thirty (30) days from the date of the letter. The zoning administrator may require the permit holder to correct the violation within a reasonable amount of time or the zoning administrator may revoke the permit. Thereafter, the permit...
holder may appeal such decisions to the city administrator and the city council as provided in subsection 16-15(b) of this code. (Ord. 36-99, 10-19-1999)

18.10.12. *Penalty:* Violation of this section, in addition to the revocation proceedings as described above, shall subject the permit holder to the municipal infraction section of this code. (Ord. 36-99, 10-19-1999)

18.10.13. *Permitted Use Sites:* Any applicant desiring to locate at the following sites shall be allowed to do so as a permitted use with no review necessary beyond approval of the zoning administrator:

<table>
<thead>
<tr>
<th>Site Number</th>
<th>Recommended Wireless Field Site Name</th>
<th>Communication Facility Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Middle Road firehouse</td>
<td>190' monopole</td>
<td></td>
</tr>
<tr>
<td>Crow Creek park</td>
<td>150' self support</td>
<td></td>
</tr>
<tr>
<td>Maintenance center</td>
<td>190' monopole</td>
<td></td>
</tr>
<tr>
<td>Learning center</td>
<td>190' monopole</td>
<td></td>
</tr>
<tr>
<td>Spruce Hill firehouse</td>
<td>190' monopole</td>
<td></td>
</tr>
<tr>
<td>Eagle Landing boat</td>
<td>250' self support</td>
<td></td>
</tr>
<tr>
<td>launch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pigeon Creek park</td>
<td>250' self support</td>
<td></td>
</tr>
<tr>
<td>Devils Glen park</td>
<td>190' monopole</td>
<td></td>
</tr>
<tr>
<td>Hollow View park</td>
<td>190' monopole</td>
<td></td>
</tr>
<tr>
<td>Palmer Hills golf course</td>
<td>190' monopole</td>
<td></td>
</tr>
<tr>
<td>23rd Street park</td>
<td>190' monopole</td>
<td></td>
</tr>
<tr>
<td>City hall-police</td>
<td>190' monopole</td>
<td></td>
</tr>
</tbody>
</table>

Any antennas that will collocate on an existing tower.

(Ord. 21-00, 11-21-2000)

**18.11 I-80 AND MIDDLE ROAD CORRIDOR OVERLAY DISTRICT, MRCOD:**

**18.11.1. Intent:**

This district is intended to establish a physically attractive pattern of development in the city of Bettendorf and to protect these areas from the negative effects of incompatible development while preserving and expanding the tax base of the city. (Ord. 31-02, 11-19-2002)

**18.11.2. Applicability:**

The regulations set forth in this section 18.11, or set forth elsewhere in this appendix when referred to in this section 18.11, are the regulations in the MRCOD. This district shall be described as follows: Sections 34, 35 and 36 of Lincoln Township (T 79 N, R 4 E), Scott County, State of Iowa and Sections 2, 11, the northwest quarter of Section 1 and the northeast...
quarter of Section 3 of Pleasant Valley Township (T 78 N, R 4 E), Scott County, State of Iowa.
(Ord. 31-02, 11-19-2002)

18.11.3. Use Regulations:

This section 18.11 shall not apply to single-family detached homes or single-family subdivisions. (Ord. 31-02, 11-19-2002)

18.11.4. Design Review Committee:

Prior to the issuance of a building permit for the construction of a building, structure, or sign for any property within the MRCOD the plans shall be reviewed and approved by a design review committee whose membership shall consist of the Bettendorf city planning and zoning commission (hereinafter referred to as the commission) established as herein provided, to ensure that the building, structure, or sign complies with the performance standards and guidelines established herein.

(a) Exceptions.

(1) Single-family dwellings and accessory structures thereto are not subject to review.

(2) The review of public utility structures (except for public utility buildings which are subject to architectural review) shall be limited to requirements for berming and landscaping. Requirements may be extensive and shall include a mix of plant materials having year round effectiveness.

(3) Political signs, as enumerated in section 18.7 of this zoning ordinance.

(4) Temporary signs, which are in compliance with the regulations enumerated in section 18.7 of this zoning ordinance.

(b) Authority.

(1) As part of the review of a final site plan, the commission shall review the materials referenced in subsection 18.11.4(c)(1) of this section and make recommendations to the city council relative to the compliance of the application with the criteria set forth in subsection 18.11.5 of this section.

(2) For other construction subject to the provisions of this section 18.11 but not subject to final site plan approval, the commission shall review the materials referenced in subsection 18.11.4(c)(1) of this section and approve, conditionally approve, continue, or deny any application, basing its decisions on the criteria set forth in subsection 18.11.5 of this section.

(c) Procedure. In the interests of neighborhood harmony and courtesy, prior to filing the materials required, developers are encouraged to schedule a meeting with adjacent property owners and neighbors.

(1) Prior to the preparation of final architectural drawings and prior to the issuance of any
building permit for any proposal, the applicant shall submit the following information and materials:

a. The completed application form;

b. A dimensioned site plan, including the locations of any proposed or existing buildings on the subject parcel and on surrounding parcels, if the buildings are within one hundred (100) feet to the subject parcel;

c. A verifiable legal description or a land survey where deemed necessary by the planning official;

d. A map showing the existing topography of the subject parcel and the topography of other properties at two (2) foot contour intervals, extending one hundred (100) feet from the subject parcel;

e. A preliminary grading plan showing before and after grades at two (2) foot contour intervals;

f. A landscape plan in conformance with section 18.6 of this zoning ordinance;

g. Elevation drawings, in color and drawn to scale, of the front, sides, rear, and rooflines of all proposed buildings or structures, illustrating the appearance and treatment of required screening elements for roof mounted equipment. A second set of elevations (not colored) shall be submitted on eight and one-half by eleven (8 1/2 x 11) inch paper;

h. Samples of each type of exterior building materials, including the color;

i. Samples of the materials, including the color, along with scaled, accurately colored elevations, of any proposed sign and/or sign package.

(2) Prior to the issuance of a building permit, the planning official shall determine that the submitted plans for the building permit are in substantial conformance with those approved as part of the final site plan, as stated in subsection 18.11.4(b)(1) of this section or by the commission, as stated in subsection 18.11.4(b)(2) of this section, and that the time period for approvals has not expired. The stamping of the plans and the signature of the planning official, and the date of the signature shall indicate that the plans are in conformance.

(3) Prior to any external change described below, including, but not limited to, a remodeling or elevation alteration which includes changes in materials or colors, the property owner or his or her designated representative shall present the change for review to the planning official. The planning official may approve a change to the color scheme of an existing building, a building addition or structure, or a revised landscape plan based upon the following criteria:

a. Building Addition Or Structure. The addition of an accessory structure shall not substantially alter the appearance of the site as viewed from off the site or be visually incompatible with the existing building or structure when the modification consists of:

1. An addition to an existing building or accessory structure of one thousand (1,000)
square feet or less; or

2. If the increase in the area of coverage does not exceed fifteen (15) percent, does not increase the number of stories, or propose substantial changes to the building materials.

b. Landscaping.

1. The quantity, density, and quality of the plant material is increased and upgraded; and

2. The changes reflect a substantial improvement of the plan.

Exterior changes not meeting the criteria of subsections 18.11.4(c)(3)a and (c)(3)b of this section shall be reviewed pursuant to the provisions of subsection 18.11.4(b) of this section.

(4) Any conditions prescribed through the approval of the final site plan or by the commission shall be considered an integral part of the construction plans. The conditions shall be noted on all plans as may be required by applicable city departments.

(5) Any building, structure, or sign which has been approved, constructed, or installed in accordance with the approval of a final site plan or of the commission may be removed. However, it shall not be modified, altered, or changed in any manner without additional review by the planning official, who shall decide whether the proposed change shall need to be reviewed by the design review committee.

(6) Initiating construction or development prior to the issuance of building permits or noncompliance with approved plans and conditions shall be grounds for either stopping work on the project or denial of a certificate of occupancy.

(7) Upon completion, prior to the issuance of a certificate of occupancy, the property owner or general contractor shall certify in writing that, to the best of his or her knowledge, the building, structure, and site detail have been completed in accordance with the approved design and applicable codes.

(8) Lack of maintenance of any portion of an approved project approved through the approval of a final site plan or by the commission shall constitute a violation of this code.

(d) Additional Provisions.

(1) Petitions brought before the commission shall be considered in a timely manner. Unless the applicant requests the commission to table the application, it shall not be tabled for more than three (3) consecutive meetings (approximately 90 days). After that time the commission shall make a recommendation to the city council.

(2) In conjunction with its review of proposals pursuant to subsection 18.11.4(b)(2) of this section:

a. The commission shall not continue any application more than three (3) regularly
scheduled consecutive meetings unless the applicant requests additional continuances. If the continuances are based on the petitioner's failure to provide required information, the commission may make a decision on the information available or it may return the petition to the party submitting it for future resubmission.

b. Approvals by the commission shall be valid for a period of one year from the date of approval by the commission or the city council. If no building permit has been issued pursuant to the development of the approved project within one year of approval, the approval shall expire.

c. In the event that an application is denied by the commission, the commission shall reserve the right to refuse to consider the same proposal, as determined by the planning official, for a period of one year. An applicant desiring to reapply for consideration of the same proposal less than one year from the date appearing on the previous application shall submit a letter requesting the commission to reconsider its denial. Any request for reconsideration must be based on new grounds not covered in the previous application. If the reconsideration is approved, the applicant may then reapply for the request, filing a new application with all attachments and paying the applicable fee.

An applicant may appeal the determination of the planning official that the proposal intended to be submitted is the same proposal by submitting a letter to the commission. The planning official shall present the basis of his or her determination and shall comment on the information presented by the appellant. The commission shall uphold or reverse the determination of the planning official.

(e) Appeal.

(1) The applicant for design review or the planning official may appeal any decision of the commission to the city council by filing written notice of appeal and any applicable appeal fee with the city clerk within ten (10) working days of the date of the commission decision. Notice of such appeal and the date for its consideration by the city council shall be published once, not less than seven (7) days prior to the council meeting at which such appeal is to be heard.

(2) The city clerk shall set the date for hearing the appeal within forty (40) days of the appeal being filed.

(3) The city council shall base its decision to affirm, modify, or reverse the decision of the commission on the information and materials previously submitted to the commission, the minutes of the commission and such additional evidence as the parties or public wish the council to consider.

(f) Violations And Penalties. It shall be unlawful to construct, erect, install, alter, change, maintain, or permit the construction, erection, installation, alteration, change, maintenance of any building, structure, sign, wall, or landscaping, or use or permit the use of any lot or other land contrary to, or in violation of, any of the provisions of this section 18.11. (Ord. 31-02, 11-19-2002)

18.11.5. Performance Standards:
All uses and buildings permitted within the MRCOD shall comply in total with the following performance standards:

(a) Open Space And Landscaping Requirements. The total ground area devoted to open space for natural landscape and landscape beautification shall not be less than thirty-five (35) percent of any development site within the MRCOD. Such open spaces will be free of all drives, parking areas, structures, buildings, except for those walkways, monuments, and ornamental features considered to be necessary and essential to the central landscape theme. In the case of underlying zones which require more restrictive standards, the more restrictive standard shall apply.

The minimum site landscaping requirement shall be as required in section 18.6, "Landscaping", of this appendix. This landscaping shall be designed to minimize the adverse effects of long expanses of wall, exposed parking, and service areas. Tree planting shall include a combination of evergreen and deciduous trees and shrubs. In the required front yard, canopy trees shall have a minimum caliper of two and one-half (2 1/2) inches, multistem clumps shall have a minimum height of ten (10) feet, understory trees shall have a minimum height of five (5) feet, deciduous shrubs shall have a minimum height of twenty-four (24) inches, and evergreen shrubs shall have a minimum height of eighteen (18) inches.

"Caliper" shall be defined according to the standards of the American Association of Nurserymen.

Where fences are necessary for commercial projects, masonry, wrought iron/aluminum, and hedges are encouraged. If visible from a public street, galvanized chainlink fences are not to be allowed unless complemented by continuous tall shrubbery completely obscuring the fence.

A ten (10) foot landscape buffer shall be required on all major arterial or minor arterial streets. Parking lot circulation may cross the landscape buffer area, but parking may not be developed within the required setback. In cases where other provisions of this zoning ordinance require more restrictive standards, the more restrictive standards shall apply.

(b) Architectural Standards. Buildings within the MRCOD shall be constructed of quality materials that have strength and permanence. "Permanence" means that buildings will age without deteriorating, given a minimum level of maintenance. The development shall recognize the strength and permanency of stone, brick, concrete, and steel as opposed to the frailty of light gauge sheet metal and constant maintenance of wood veneer. While no specific materials are disallowed, certain materials will be approved for exterior use only if they are an integral part of a design of unusual merit. Among those materials are architectural metal wall panels, plywood and composition siding such as hardboard. Other materials may be appropriate on one use or situation but be totally inappropriate in another.

(c) Restricted Uses. There are some uses that require additional restrictions within the MRCOD to lessen their negative impact and make them more compatible with the goals of this section 18.11. The followings uses are restricted:

(1) Automobile Salesroom Or Showroom, Or New Or Used Car Sales Or Vehicle Storage Lots. Design principles shall be incorporated into the design of auto dealerships which
minimize the unattractive aspects of large areas of parked cars. One car deep display areas along arterial and collector streets and freeways shall be permitted. Display rows shall be screened from public rights of way with an eighteen (18) inch earth berm. Additional rows of cars shall be separated from the initial row by a shrubbery hedge that completely conceals the view of these additional rows of cars from the public right of way. Five (5) percent of the balance of the parking lot shall be landscaped and permeable in the form of islands and peninsulas. Signs applied to, located in, or painted onto vehicle bodies or windshields on cars in the display area are prohibited with the exception of factory invoices. The use of pennants and tinsel is prohibited. Elevated or tilted vehicle display platforms are prohibited. An earth berm or other form of landscape buffer shall be located around the sides and rear of the property to shield the view of stored cars from adjoining residences and streets, if any. Berming and landscaping may be required to shield the view from commercial areas depending on sight lines. Lighting design shall be integrated with the design of the dealership. Nonglare, cutoff luminaires shall be required so that lighting does not spill over onto adjacent properties. The leasing or renting of trucks intended for short term lease of less than seven (7) days shall be prohibited either as a primary or accessory use.

(2) Public Garages, Service Stations, Car Washes, Repair Shops, Auto Parts Installation Shops, Auto Service Malls, And Other Similar Uses. Building forms and materials shall emphasize masonry and be compatible with nearby retail buildings. Canopies over pumps and their supports shall have no lettering, logos, or striping, and shall be integrated with the building design. The use of pennants and tinsel is prohibited. Car wash structures shall be a minimum of fifty (50) feet from any residential property line or residential zone. Outdoor storage shall be confined to areas enclosed by masonry walls. Stacks of tires, oil cans, and promotional items are not permitted. Garage bays shall be concealed from view from adjacent streets and parking lots whenever possible. The leasing or renting of trucks for short term lease of less than seven (7) days shall be prohibited either as a primary or an accessory use.

(3) Outdoor Retailing. Outdoor retailing areas, such as garden centers, shall be orderly and attractive, with low screening walls concealing merchandise, except plant materials, from view. Additional landscaping as shown in section 18.6, "Landscaping", of this appendix and berming may be required with such uses.

(4) Outdoor Vending Machines. For the purpose of this section 18.11, outdoor vending machines shall also be considered outdoor retailing. Such vending machines shall be screened from public rights of way.

(d) Site And Structure Requirements. All requirements of the underlying zoning districts concerning building height, lot area, and yard depths shall remain applicable with the following exceptions:

(1) Lot Area. No lot shall be less than two (2) acres in lot area.

(2) Lot Frontage. No lot shall be less than three hundred fifty (350) feet in width.

(3) Maximum Lot Coverage. Not more than sixty-five (65) percent of the lot area may be occupied by buildings, structures, parking areas, accessory buildings and other necessary structural improvements.
(4) **Front Yard Setback.** Buildings and structures located along the street frontages of Middle Road, Forest Grove Drive and Indiana Avenue shall be set back a minimum of one hundred (100) feet. Buildings or structures locating parking or drive areas opposite the street frontages shall be set back a minimum of seventy-five (75) feet.

All buildings and structures for nonresidential uses shall be set back from any immediately contiguous property used for a residential development a minimum of twenty-five (25) feet for a one and one-half (1 1/2) story building (maximum height 15 feet) and forty (40) feet for a two (2) story building (maximum height 25 feet). Buildings and structures shall be set back an additional one foot for each foot of building height over twenty-five (25) feet to a maximum setback of seventy (70) feet from any immediately contiguous residential property line or residential zone. Property separated by public rights of way shall not be considered immediately contiguous property.

(5) **Planned Complex Park.** There shall be no prohibition of the multiple use of a planned complex park on a minimum lot providing that the control of those facilities and uses which must be installed and maintained for the joint use of the users of the property shall be legally enforceable and acceptable to the city.

(6) **Variances.** The zoning board of adjustment may grant variances in cases where the above setback regulations unduly impact the developability of any lot subdivided for development prior to the passage of this chapter. The board may consider the feasibility of complying with the additional setback requirements based upon existing lot size, compatibility with adjacent development and locational and topographical factors.

The zoning board of adjustment may grant variances for buildings to exceed their corresponding district height regulation up to a maximum height of one hundred twenty-five (125) feet. In order to qualify, the applicant shall provide for adequate spacing between existing and proposed buildings in order to minimize blockage of views from public and private buildings and places and to minimize casting of shadows on public places. Applicants shall provide elevations and shadow diagrams which show the degree, if any, of view blockage or the casting of shadows that would occur. The board of adjustment may limit or condition the amount of extra height and bulk granted in order to minimize the blocking of views from public and private places and to casting of shadows on public places.

(e) **Environmental Performance Standards.** Complete abatement, elimination, or reduction of all generally offensive characteristics such as odors, gases, noise, vibration, pollution of air or water or soil, excessive lighting intensity, hazardous activity, etc., which may be detrimental to the general welfare of the community shall be accomplished. The standards for compliance with this subsection shall be as follows:

(1) **Air Pollution.** The use shall not emit any smoke, dust, odorous gases, or other matter in such quantities as to be readily detectable at any point beyond the perimeter of the site area.

(2) **Noise.** The use shall not include noise which is discernible without instruments on any adjoining lot or property.

(3) **Vibration.** The use shall not include vibration which is discernible without instruments
(4) Site Lighting And Glare. All lights, other than streetlights, shall be so situated and installed as to reflect away from adjacent streets and residential areas. Light and pole designs shall be compatible with the overall design of the building(s) and site. In large parking lots, poles are to be located within the landscape islands. The scale of the parking area shall be considered in the selection of pole height and spacing. Pole height shall decrease, where possible, near property lines and in low intensity use areas to further reduce glare. Uplighting trees and fountains, accent lighting on shrubs and entrances, and silhouette lighting may be used to create special effects.

(5) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets to a point that capacity and safety limitations are exceeded unless procedures are instituted to limit traffic hazards and congestion.

(6) Storm Water Detention. The standard storm water detention regulations shall prevail.

(7) Erosion Control. The standard erosion control regulations shall prevail.

(8) Overtax Public Utilities And Facilities. The use shall not involve any activity substantially increasing the burden on any public facilities or utilities unless provisions are made for necessary adjustments.

(9) Utility Installation. All utilities provided as new installation shall be underground and comply in full with city regulations.

(f) Off Street Parking And Loading. No parking or drive areas shall be located closer than seventy-five (75) feet from Middle Road, Forest Grove Drive and Indiana Avenue. Joint access, joint parking areas and parking decks shall be incorporated, whenever feasible, to reduce the amount of surface runoff.

The required number of spaces shall remain the same as that of the underlying zoning districts. In all cases, parking lots shall be constructed with concrete or asphalt curbing.

In all cases parking areas shall be screened from any public right of way or adjacent residential area by the proper siting of earth berms and vegetation. Earth berms shall be a minimum of three (3) feet in height (with the exception of those on automobile sales display rows) and shall be supplemented with substantially mature trees and shrubs which have year round effectiveness.

Landscaped parking islands and peninsulas shall be included in lot layout to reduce the visual impact and produce shade. In parking lots of twenty (20) or more spaces, an area equal to five (5) percent of the total parking lot area must be landscaped and permeable. This shall not include perimeter plantings. This requirement may be waived in the case of industrial properties where interior landscaping may interfere with the necessary movement of trucks and other equipment.

Service areas, loading docks, and garbage facilities shall be located properly and screened as well.
(g) Signage Requirements. Signage materials shall be permanent or long lasting in quality. The lighting of signs shall be nonintrusive with backlighting or other methods of indirect lighting required. Project and business identification signage shall be limited solely to wall signs, monument signs, ground signs, and awnings. Billboards are prohibited within the district regardless of the underlying zoning.

(1) Wall Signs. Wall signs shall be limited in size by the regulations of the underlying district. Signs painted on a wall shall be prohibited.

(2) Freestanding Ground Signs. For the purposes of this section 18.11, a "freestanding ground sign" shall mean a sign placed directly on the ground the allowed height of which shall be determined by land use. All such signs shall have monument type bases of masonry construction. A comparable alternate base material may be used upon written approval of the commission where signage requires final site plan approval. Sign setbacks shall be equivalent to those found in the underlying zoning district.

   a. Large Retail Stores And Shopping Centers. For the purposes of this section 18.11, a "large retail store or shopping center" shall be defined as a single retail store or multiple store center located on a site that is eight (8) acres or more in size. Such store or center shall be allowed one ground sign a maximum of twenty-five (25) feet in height for center identification with a maximum sign area of four hundred (400) square feet. Center identification signs can state the name of the shopping center and a major tenant or tenants.

   b. Small Retail Stores And Shopping Centers. For purposes of this section 18.11, a "small retail store or shopping center" shall be defined as any single retail store or multiple store center located on a site that is less than eight (8) acres in size. A retail store shall also be limited to those structures in which the primary use is for retail sales to the public. Such store or tenant shall be limited to one ground sign a maximum of fifteen (15) feet in height with a maximum sign area of one hundred (100) square feet.

   c. Travel Related Uses. For purposes of this section 18.11, travel related uses are those uses that are used primarily by the motoring public and are limited to hotel/motel, service or gas stations, or restaurants. Such uses shall be limited to one freestanding ground sign fifteen (15) feet in height with a maximum sign area of one hundred (100) square feet.

The city council may, at its discretion, with the approval of a final site plan, allow an increase in sign height. In such instances, the fifteen (15) foot ground sign may be increased in height. Any increase shall be based on sign visibility at that location and in no case shall exceed forty-five (45) feet in height.

All other signage shall consist of building mounted signage consistent with the regulations of the underlying zoning district.

   d. All Other Commercial, Industrial, And Institutional Uses. All other commercial, industrial, and institutional uses shall be limited to one freestanding ground sign not to exceed six (6) feet in height with the maximum area determined by the zoning district. All other signage shall comply with the regulations of the underlying zoning district.
e. Subdivision, Apartment Complex Signs. Subdivision, townhouse, condominium, and apartment complex signs, regardless of zoning district, shall be limited to monument signs with a maximum height of four (4) feet, a maximum sign area of thirty-two (32) feet, and a minimum front yard setback of five (5) feet.

f. Billboard Signs. Billboards are prohibited within the MRCOD regardless of the underlying zoning.

g. Attention Getting Devices. The use of tinsel and pennants or other attention getting devices other than approved signage is prohibited in the MRCOD other than for a thirty (30) day period immediately following the granting of an occupancy permit for a new business. (Ord. 31-02, 11-19-2002)

18.11.6. Municipal Infraction:

Any person, firm, partnership, or corporation, whether acting alone or in concert with any other, who violates this section 18.11 shall be guilty of a municipal infraction and shall be penalized as set forth in section 1-9 of this code. (Ord. 31-02, 11-19-2002)

SECTION 19. OFF STREET PARKING AND LOADING

19.1. OFF STREET PARKING SPACE:

1. Scope. The provisions of this section shall apply and govern in all zoning districts.

2. General Requirements.

(a) The duty to provide and maintain off street parking space shall be the joint and several responsibility of the operator and/or owner of the use and/or land for which off street parking space is required to be provided and maintained.

(b) For land, structures or uses actually used, occupied or operated on the effective date hereof, there shall be provided such off street parking space as was required for such land, structures or uses by any previous ordinance. If such land, structures or uses are enlarged, expanded or changed through the addition of dwelling units, gross floor area, seating capacity, additional employment or other unit of measurement specified herein, there shall be provided, for that increment of expansion only, at least the amount of off street parking space that would be required hereunder if the increment were a separate land, structure or use established or placed into operation after the effective date hereof.

(c) For all uses established or placed into operation after the effective date hereof, there shall be constructed, provided, preserved and maintained the amount of off street parking space hereinafter set forth.

(d) Whenever the intensity of use of any structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, additional employment or other unit of measurement, such additional parking as required herein to provide for the expanded use shall be provided.
(e) Whenever the existing use of a building, structure or land area is changed to a new use, parking facilities shall be provided as required by the new use. However, if the use existed prior to the effective date hereof, parking is required only in the amount that the new use would exceed the requirements for the existing use if the latter were subject to the parking provisions of this ordinance.

(f) Parking in existence on the effective date of this ordinance or that was provided voluntarily after such effective date, shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this ordinance for a new use.

(g) All off-street parking space, whether or not required by this ordinance and when provided in accordance with the provisions of this ordinance or in accordance with the provisions of any former ordinance, shall be used, maintained and operated as hereinafter required.

(h) Parking for all types of uses may be provided either in garages or open parking areas conforming with the provisions of this ordinance.

(i) Where sufficient existing "public parking facilities" are located so as to provide or supplement part or all of the required parking space, the board of adjustment may reduce the number of spaces required for a particular use or group of uses.

(j) Parking may be with or without charge.

3. Location. Off-street parking space shall be located on the same zoning lot as the use for which provided, except as otherwise specifically provided:

(a) Special location plan. Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking space may be located off the lot of the use for which the space is provided. The following limitations shall apply to the "special location plan."

   (1) Separation from use. Off-street parking shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

   In all commercial districts, parking facilities shall be located within three hundred (300) feet of the building they are required to serve.

   In all industrial districts, parking facilities shall be located within six hundred (600) feet of the building they are required to serve.

   (2) Application. All applications for approval of a "special location plan" hereunder shall be filed with the board of adjustment by the owners of the entire land area to be included within the "special location plan," the owner or owners of all structures then existing on said land area and all encumbrances of said land area and structures; shall contain sufficient evidence to establish to the satisfaction of the board of adjustment that the applicants are the owners and encumbrances of the designated land and structures; shall contain such information and representations required by this ordinance or deemed necessary; and shall include plans showing the following details:
The location of the uses or structures for which off-street parking space is required.

The location at which the off-street parking space is to be provided.

(3) Procedure. All applicants shall be reviewed and approved by the board of adjustment. Any approval may establish necessary conditions and limitations.

Upon approval of a "special location plan," a copy of such plan shall be registered and recorded among the records of the city.

All "special location plans" registered and recorded hereunder shall be binding upon the applicants for such special plans, their successors and assigns, shall limit and control the issuance and validity of all zoning permits and zoning certificates and shall restrict and limit the use and operation of all land and structures included within such special plans to all conditions and limitations specified in such plans and the approvals thereof.

All "special location plans" registered and recorded hereunder may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were approved, registered and recorded.

Upon application to the board of adjustment by the owner or owners of the entire area included within any "special location plan" registered and recorded hereunder, the owner or owners of any structure then existing thereon and all encumbrances of said land and structures, any such plan may be withdrawn, either partially or completely, from registration and released from recording if all uses, land and structures remaining under such plan can be made to comply with all conditions and limitations of the plan and all uses, land and structures withdrawn from such plan can be made to comply with all regulations established by this ordinance and unrelated to any "special location plan."

(b) Front yard. No vehicle shall be parked in any front yard except upon a regularly constructed driveway. In single-family residential areas said driveway shall be not greater than a width of thirty (30) feet. Parking lots may be allowed in front yard if authorized by the board of adjustment, provided that the district does not require that the front yard be landscaped and devoted to no other use, and further provided that the parking is in accord with all other ordinance provisions. (Ord. 5-81, 1-6-1981)

(c) Side and rear yard. Parking space that is open to the sky may be located in a required side or rear yard, but only if an unobstructed space of five (5) feet, and ten (10) feet where abutting a residential district, is left along the lot line. If the specific district regulations are more permissive, their requirements shall apply.

(d) Parkway. No parking shall be permitted between the property line and the curb line or edge of the pavement of the street.

4. Combined space. Off-street parking space shall be provided for each use. However, two (2) or more uses located on the same zoning lot may jointly provide for one combined parking facility.

(a) Where off-street parking space is combined and used jointly by two (2) or more uses having different standards for determining the amount of off-street parking space required,
the parking space shall be adequate in area to provide the sum total of off-street parking space requirements of all such uses.

(b) Where off-street parking space is combined and used jointly by two (2) or more uses having the same standard for determining the amount of off-street parking space required, all such uses, for the purposes of this section, shall be considered a single unit and the gross floor area of all such uses in all structures on the same lot or the number of employees of all such uses in all structures on the same lot as fixed by the applicable standard, shall be taken as a single total for the purpose of determining the amount of off-street parking space required.

5. Sharing of space. Two (2) or more uses may share the same off-street parking space if the schedules of operation of all such uses are such that none of the uses sharing the space requires the off-street parking space at the same time as any other use sharing the space. Each such use that is sharing space shall be considered as having provided such shared space individually.

6. Design, development and maintenance. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be designed, developed and maintained in accordance with the following requirements:

(a) In the residential districts, unless fully enclosed, parking areas shall be used only by vehicles up to three-fourths (3/4) ton manufacturer's capacity rating.

(b) Shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies; except when parking is a permitted principal or special use.

(c) Shall be provided with an asphaltic concrete, Portland cement concrete, or brick surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris. If such surfacing would be detrimental because of the excessive runoff of storm water, the board of adjustment may direct such area to be left unpaved and designed to remain dust-free and attractive. All required parking spaces shall be delineated by permanent striping of parking surface.

(d) Shall be pitched and drained so as to prevent the flow of water from such areas onto adjoining property or onto streets or alleys that have no drainage facilities.

(e) Off-street parking areas for more than four (4) vehicles, that adjoin or are across the street from property zoned for any residential use, shall have adequate screening in accord with section 18.

(f) Shall be provided with entrances and exits not less than twelve (12) feet in width and so located as to minimize traffic congestion.

(g) Shall be provided with curbs, wheel guards or bumper guards so located that no part of a parked for moving vehicle extend beyond the property line.

(h) Where hazards exist which can be eliminated or lessened by lighting, the board of
adjustment may require lighting at such hours and in such manner as deemed necessary in
the interest of public safety and security. Such lighting facilities shall be so arranged that
they neither unreasonably disturb occupants of adjacent residential properties nor interfere
with traffic.

(i) May have not more than one attendant shelter building conforming to all setback
requirements for structures in the district in which it is located.

(j) Each off-street parking space shall have an area of not less than one hundred sixty-
two (162) square feet exclusive of access drives or aisles, and shall be of usable shape
and condition. In the C-6, I-1, I-2 and I-3 Districts, parking spaces allowed to be only eight
and one-half (81/2) feet wide by the definition of parking space in section 5 of this
ordinance, shall have an area of not less than one hundred fifty-three (153) square feet.
Parking lots and spaces shall be in general conformance with the Parking Design
Guidelines established and occasionally updated by resolution by the city council. The
parking space size may be reduced if an overhang area is provided. The overhang area
must be used exclusively for the overhanging of a vehicle and shall not exceed the size
established in the Parking Design Guidelines.

(k) All open or unused areas shall be landscaped and continuously maintained. (Ord. 30-
77, 6-7-1977; Ord. 1-94, § 2, 2-1-1994; Ord. 10-95, § 1, 2-21-1995)

7.Units of measurement. For purposes of this section the following units of measurement shall
apply:

(a) Floor area. The total floor area of a building designed for tenant or owner occupancy
and exclusive use, including basements, mezzanines and upper floors, if any, expressed in
square feet measured from the center lines of joint partitions and exteriors of outside walls.
It shall not include areas used principally for utilities and space incidental to the
management or maintenance of the building.

(b) Dwelling unit. A dwelling unit shall mean one room or a suite of two (2) or more
rooms, designed for or used by one family for living and sleeping purposes and having only
one kitchen or kitchenette.

(c) Seat or bench. A seat shall be the space intended for one individual. In places where
patrons or spectators occupy benches, pews or other seating facilities, each twenty (20)
inches of such seating facilities shall be counted as one seat.

(d) Employees. Employees shall be based on the maximum number of persons on duty
or residing, or both, on the premises at any one time.

(e) Fractions. When units of measurement result in the requirement of a fractional space,
any fraction shall require one parking space.

8.Space required. At least the following numbers of useable off-street parking spaces shall be
provided; also adequate provision for ingress, egress and maneuvering shall be provided:

(a) Residential uses.
(1) Multiple-family dwellings. Two (2) spaces shall be provided for each dwelling unit greater than or equal to eight hundred (800) square feet in area. One and one-half (1 1/2) spaces shall be provided for each dwelling unit less than eight hundred (800) square feet in area.

(2) One-family dwellings and two-family dwellings. Two (2) parking spaces shall be provided for each dwelling unit.

(3) Hotels, motels, inns and auto courts. One parking space shall be provided for each guest or sleeping room or suite, plus one additional space for the owner, manager and each employee.

(4) Lodging, rooming and boarding houses. One parking space shall be provided for each two (2) lodging rooms, plus one space for the owner, manager and each employee.

(5) Mobile home parks. Two (2) parking spaces shall be provided for each mobile home space.

(6) Fraternities, sororities and dormitories. One parking space shall be provided for each three (3) active members, plus one parking space for the manager, and each employee thereof.

(7) Retirement village. One space shall be provided for every two (2) dwelling units.

(b) Commercial uses.

(1) Automobile laundry. Stacking spaces shall be provided to accommodate waiting automobiles equal in number to five (5) times the maximum capacity of the automobile laundry for each wash rack, plus one parking space for each two (2) employees. Maximum capacity, in this instance, shall mean the greatest number of automobiles undergoing some phase of laundering at the same time.

(2) Automobile service stations. Two (2) parking spaces shall be provided for each island of pumps and each service stall plus one parking space for each two (2) employees.

(3) Banks. One parking space shall be provided for each two hundred (200) square feet of floor area. Drive-in establishments shall provide six (6) stacking spaces per teller or customer service window.

(4) Barbershop and beauty parlor. Two (2) parking spaces shall be provided for each barber chair plus one for each employee and tanning bed.

(5) Reserved.

(6) Bowling alleys. Three (3) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated users [such as] bars, restaurants and the like.

(7) Furniture and appliance stores, household equipment or furniture repair shops.
One parking space shall be provided for each five hundred (500) square feet of floor area.

(8) Motor vehicle sales and machinery sales. One parking space shall be provided for each eight hundred (800) square feet of floor area.

(9) Restaurants or establishments dispensing food and/or beverages for consumption at indoor tables (not including drive-in establishments). One parking space shall be provided for each one hundred (100) square feet of floor area, or one parking space for each three (3) seats plus one parking space for each three (3) employees, whichever is greater. Conversely, at least one seat shall be provided for each parking space.

(10) Restaurants, dry cleaners, and other similar type businesses designed to primarily accommodate pick-up, drop-off, or carryout type activities or areas within businesses designated for such use. One parking space shall be provided for each fifteen (15) square feet of floor area designated for customers waiting to be served, plus one space for each employee.

(11) Restaurants, (drive-in) and/or refreshment stand (where food and/or beverage is consumed in a vehicle). One parking space shall be provided for each twenty (20) square feet of floor area, but not less than ten (10) spaces.

(12) Retail stores. One parking space shall be provided for each one hundred eighty (180) square feet of floor area.

(13) Theaters (indoor). One parking space shall be provided for each four (4) seats up to four hundred (400) seats, plus one for each six (6) seats over four hundred (400) seats.

(14) Theaters (outdoor). Reservoir parking spaces at the entrance to the theater shall be provided equal to ten (10) percent of the vehicle capacity of the theater.

(15) Undertaking establishments, funeral parlors. Six (6) parking spaces shall be provided for each chapel or parlor, one for each fifty (50) square feet of floor area used for services, whichever is greater, plus one parking space for each funeral vehicle kept on the premises.

(16) Coin- or token-operated laundry establishments. One parking space shall be provided for every two (2) machines.

(17) Other laundry and dry cleaning establishments. One parking space shall be provided for each employee. An additional three (3) spaces shall be required for customers.

(18) Shopping center or complex. Shopping centers with more than one hundred twenty-five thousand (125,000) square feet of gross leasable area and having twelve (12) or more stores shall provide five (5) parking spaces for every one thousand (1,000) square feet of gross leasable area. Parking for all other shopping centers shall be the sum of the requirements of the individual stores.
(19)  Reserved.

(20)  Television studio, station, and towers. One and one-quarter (11/4) spaces shall be provided for each employee.

(21)  Golf course. Three (3) parking spaces shall be provided for each hole plus one (1) space for every two (2) employees. Parking shall be provided for any accessory use, such as but not limited to, pro shops and restaurants, which is not used exclusively by patrons of the golf course.

(22)  Driving range, miniature golf course, and putting course. One space shall be provided for each tee or hole plus one space for every employee.

(23)  Bed and breakfast inn. Two (2) parking spaces for the owner/manager, plus one space per employee and one space per guest room shall be provided.

c)  Office uses.

(1)  Business or professional offices. One parking space shall be provided for each three hundred (300) square feet of floor area.

(2)  Medical or dental clinics. Two (2) parking spaces shall be provided for each office, examining room and treatment room, plus one for each employee.

d)  Industrial uses.

(1)  Manufacturing uses or any establishments engaged in production, processing, cleaning, servicing, testing or repair of materials, goods or products. One parking space shall be provided for each two (2) employees plus one parking space for each vehicle used in the conduct of the enterprise.

(2)  Truck Terminals. One parking space shall be provided for each two (2) employees, plus one for each truck.

(3)  Warehouses And Storage Buildings. One parking space shall be provided for each two (2) employees, plus one space for each vehicle used in the conduct of the enterprise.

(4)  Wholesale Establishments (But Not Including Warehouses And Storage Buildings Other Than Accessory). One parking space shall be provided for each six hundred (600) square feet of floor area in excess of four thousand (4,000) square feet.

e)  Schools, Institutions And Places Of Assembly.

(1)  Auditoriums, Gymnasiums, Convention Halls And All Places Of Assembly. One parking space shall be provided for each five (5) seats or parking spaces equal to one-fifth (1/5) the capacity of the facility in persons.

(2)  Churches. One parking space shall be provided for each four (4) seats in the main auditorium.
(3) Colleges, Universities, Trade Schools. One parking space shall be provided for each two (2) students (based on the maximum number of students that the facility is designed to handle at any one time), plus one for each two (2) employees.

(4) Elementary School. Two (2) parking spaces shall be provided for each classroom. However, if a place of assembly is provided in the school and the parking spaces provided for the place of assembly is equal to or in excess of the requirements for the classrooms, the classroom requirement need not be provided.

(5) Hospitals. One parking space shall be provided for each two (2) beds, plus one for each staff doctor or visiting doctor, plus one for each two (2) employees.

(6) High School. One parking space shall be provided for each four (4) students in the eleventh and twelfth grades (based on the maximum number of students that the facility is designed to handle at any one time), plus one for each two (2) employees. Parking spaces equal to one-fifth (1/5) the capacity of any place of assembly will be required if provided in the school.

(7) Nursery School. One parking space shall be provided for each employee.

(8) Nursing Home, Convalescent Home And Similar Type Establishments. One parking space shall be provided for each three (3) beds, plus one for each two (2) employees.

(9) Library, Museum, Art Gallery, And Civic, Cultural, Or Historic Institution. One parking space shall be provided for each five hundred (500) square feet of floor area.

(10) Private Clubs And Lodges. Parking spaces equal to one-fifth (1/5) the capacity of the facility in persons shall be provided.

(11) Middle School. One parking space shall be provided for each employee. Parking spaces equal to one-fifth (1/5) the capacity of any place of assembly will be required if provided in the school.

(f) Other Uses. For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed uses, or as determined by the board of adjustment.

9. Plot Plan. Any application for a building permit, or for a certificate of occupancy shall include therewith a plot plan, drawn to scale and fully dimensioned, showing all parking facilities required by this ordinance.

10. Modifications. The board of adjustment may authorize or appeal a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situation or condition, would justify such action. (Ord. 30-77, 6-7-1977; Ord. 24-91, §§ 1, 2, 6-4-1991; Ord. 34-91, § 11, 8-6-1991; Ord. 32-92, § 1, 7-21-1992; Ord. 10-99, 4-20-1999)

19.2. OFF-STREET LOADING SPACE:
1. **Scope.** The provisions of this section shall apply and govern in all districts.

2. **When Required.** Off-street loading space shall be required and maintained in connection with any building or part thereof, hereafter erected or altered which is to be occupied by uses requiring the receipt or distribution of materials or merchandise.

3. **Location.** Off-street loading space shall be located on the same lot as the structure for which provided.

4. **Duty to provide.** The duty to provide the off-street loading space herein required shall be the joint and several responsibility of the operator and the owner of the structure or structures for which off-street loading spaces is required to be provided. No structure shall be designed, erected, altered, used or occupied unless the off-street loading space herein required is provided in at least the amount herein set forth; provided, however, that off-street loading space need not be provided for structures actually used, occupied and operated on the effective date of this ordinance unless, after the effective date of this ordinance, such structures are enlarged or expanded, or the uses within such structures are enlarged, expanded or changed, so as to require a greater amount of off-street loading space than the amount of off-street loading space not required to be furnished by reason of the foregoing exclusion, in which event, the structures hereby excluded shall not be used, occupied or operated unless there is provided for the increment only of such structures, and maintained as herein required, at least the amount of off-street loading space that would be required hereunder if the increment were a separate structure.

5. **Design, development and maintenance.** Every parcel of land hereafter used for off-street loading space shall be designed, developed and maintained in accordance with the following requirements:

   (a) Shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

   (b) Shall be graded for proper drainage and provided with an all-weather surfacing maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

   (c) Off-street loading spaces that adjoin or are across the street from property zoned for any residential use, shall have a dense evergreen planting, fence, masonry wall or such other screening, as may be determined by the board of adjustment. The board of adjustment shall also determine the height, location and density of screening used to provide adequate protection to adjoining property.

   (d) Shall be provided with entrances and exits not less than twelve (12) feet in width and so located as to minimize traffic congestion.

   (e) No portion of a vehicle shall project into a street or alley while being loaded or unloaded.

   (f) Each off-street loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length and twelve (12) feet in height, exclusive of access drives. When more than three (3) spaces are required, the spaces other than the first three (3) shall be twelve...
(12) feet in width, sixty-five (65) feet in length, and fifteen (15) feet in height.

(g) Off-street loading space may occupy all or any part of any required yard space, other than the front yard or side yard adjoining a street.

6. Amount of space required. At least the following amounts of off-street loading space shall be provided, plus an area or means adequate for maneuvering, ingress and egress:

<table>
<thead>
<tr>
<th>Required Square Feet of Gross Floor Area</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) alleys, hotels and wholesale establishments: Up to 20,000</td>
<td>Retail stores, theaters, auditoriums, bowling</td>
</tr>
<tr>
<td>20,001 to 50,000</td>
<td>1 additional</td>
</tr>
<tr>
<td>50,001 to 100,000</td>
<td>2 additional</td>
</tr>
<tr>
<td>For each additional 100,000</td>
<td>3 additional</td>
</tr>
<tr>
<td>(2) hospitals and all other uses: Up to 100,000</td>
<td>Banks, office buildings, funeral parlors</td>
</tr>
<tr>
<td>For each additional 100,000</td>
<td>1 additional</td>
</tr>
<tr>
<td>100,001 to 500,000</td>
<td>1 additional</td>
</tr>
<tr>
<td>For each additional 500,000</td>
<td>1 additional</td>
</tr>
<tr>
<td>(3) Up to 20,000</td>
<td>Industrial, warehouse and storage buildings:</td>
</tr>
<tr>
<td>20,001 to 40,000</td>
<td>1 additional</td>
</tr>
<tr>
<td>40,001 to 70,000</td>
<td>2 additional</td>
</tr>
<tr>
<td>70,001 to 120,000</td>
<td>3 additional</td>
</tr>
<tr>
<td>120,001 to 200,000</td>
<td>4 additional</td>
</tr>
<tr>
<td>For each additional 100,000</td>
<td>5 additional</td>
</tr>
</tbody>
</table>

7. Modifications. The board of adjustment may authorize an appeal modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the business, trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situation or condition, would justify such action.

19.3. TEMPORARY PARKING OF RECREATIONAL VEHICLES:

Recreational vehicles may be parked on unenclosed parking spaces upon any residentially zoned lot for a period of up to eight (8) consecutive hours no more often than twice in any seven (7) consecutive day period. At least thirty (30) hours must separate each occurrence. Additionally, recreational vehicles may be parked on unenclosed parking spaces for up to one hundred sixty-eight (168) consecutive hours four (4) times per year for the purpose of visiting, loading, unloading or repair. The owners of any recreational vehicle parking said vehicle on unenclosed parking spaces for more than eight (8) hours but less than one hundred sixty-eight (168) shall notify the zoning administrator of their intent to do so prior to such action. Said notification shall include such information as may be required by the zoning administrator in order to adequately enforce this provision. Upon the expiration of the one hundred sixty-eight (168) hours, the vehicle shall be removed or otherwise lawfully parked. While temporarily parked, the vehicle may be connected to the property's water and electrical utilities for charging or loading of the vehicle's systems. Said vehicle shall not extend onto or over any public right-of-way while so parked. (Ord. 21-90, § 6, 4-17-1990)

SECTION 20. NONCONFORMING USE SPECIFICATIONS

The lawful use of a building or premises, existing at the time of passage of this ordinance, may be continued although such use does not conform to all the provisions of this ordinance, except as hereinafter provided.

1. A nonconforming use may be extended throughout a building provided no structural
alterations are made therein, except those required by law.

2. A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural alterations are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use or a less restricted one.

3. No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with regulations of this ordinance.

4. The board may authorize, by written permit, in a residence district for a period of not more than one year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of said district.

5. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and the construction of which has been diligently prosecuted within ninety (90) days of the date of such building permit, and which entire building shall be completed according to such plans filed within one year from the date of passage of this ordinance.

6. In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

7. The lawful use of land for open storage purposes, which does not conform to the provisions of this ordinance, shall be discontinued within five (5) years from the date of passage of this ordinance.

8. These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this ordinance.

9. A sign which is obsolete shall be removed or made conforming as set forth by section 18.76. (Ord. 43-83, 12-6-1983)

**SECTION 21. ADMINISTRATION**

The zoning administrator is hereby designated and authorized to enforce this ordinance.

1. Any person who shall make application for a building permit shall, at the time of making such application, furnish the zoning administrator with a site plan or development plan of the real estate upon which said application for a building permit is made. Said site or development plan shall be drawn to scale showing the following items, both as existing and as proposed:

   (a) Legal or site description of the real estate involved.

   (b) Location and size of all buildings and structures.

   (c) Width and length of all entrances and exits to and from said real estate.
2. Site plans so furnished to the zoning administrator shall be filed by the zoning administrator and shall become a permanent record.

3. An application for a building permit for new construction or a building addition which requires a measurement from a lot line shall be accompanied by a certificate from a registered surveyor of the State of Iowa, unless waived by the building inspector, indicating that the property involved has been surveyed, that stakes or monuments have been placed at all corners of the tract, and the date of the survey. Said survey must have been accomplished during the previous twelve (12) months. The zoning administrator may take ten (10) days in which to study the application, during which time he may consult with appropriate technical consultants. If during or after the ten (10) day period, the zoning administrator has not required any additional information or stated any objections in writing, the zoning administrator shall recommend issuance of the building permit. During the initial inspection of any new construction or building addition which requires a measurement from a lot line, all tract corner stakes or monuments must be visible before continuance can be permitted.

4. The zoning administrator shall issue a building permit for a special use only following receipt of notice from the board that the application therefor has been approved by the board.

5. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued by the zoning administrator stating that the building and use comply with all of the provisions of this ordinance applicable to the building or premises or the use in the district in which it is to be located.

Upon completion of the improvement covered by the building permit, the zoning administrator shall inspect the premises, and if this inspection shall reveal that the improvement has been completed in substantial conformity with the site plan, and any approved amendments thereto and, in the case of new principal buildings, that all tract-corner stakes or monuments are visible, shall issue a certificate of occupancy.

6. No change shall be made in the use of land (except agricultural) or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a certificate of occupancy having been issued by the zoning administrator, and no such building certificate shall be issued to make such change unless it is in conformity with the provisions of this ordinance.

7. A certificate of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed.

8. A record of all certificates of occupancy shall be kept on file in the office of the zoning administrator and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected. A fee of one dollar ($1.00) shall be charged for each original certificate and fifty cents ($0.50) for each copy thereof.

9. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied, or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued by the building
inspector stating that the building and use comply with all of the provisions of this ordinance applicable to the building or premises or the use in the district in which it is to be located.

10. Special use permits.

(a) Purpose. This ordinance is based upon the division of the city into districts, within which the uses of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two (2) categories:

(1) Uses publicly operated or traditionally affected with a public interest; and

(2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities or the city as a whole.

(b) Authority. Special use permits may be granted by the board of adjustment, but only in accordance with the requirements hereinafter set forth.

(c) Application and notice of hearing. An application for a special use permit shall be filed in duplicate with the city clerk, who shall forward a copy of the application to the board of adjustment without delay. The application shall be in such form, contain such information and be accompanied by such plans as the board of adjustment may by rule require. The board of adjustment shall hold a public hearing on such application in the manner described in section 23.

(d) Report and decision. Within one hundred (100) days after the close of the hearing, unless the applicant shall have consented to a longer period, the board of adjustment shall grant or deny the proposed special use. A written report giving the findings and recommendations for action to be taken on the application shall be prepared by the board of adjustment. The report shall include any recommended conditions or restrictions to be imposed upon the premises benefitted by the special use permit.

(e) Standards. No special use permit may be granted unless:

(1) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.

(2) The proposed use will comply with all applicable regulations in the district in which the use is to be located.

(3) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
(4) The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.

(5) Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.

(6) The proposed use will not cause substantial injury to the value of other property in the neighborhood.

(7) Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the board of adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.

(8) The board of adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

(9) The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.

(f) Effective Period. No special use permit shall be valid for a period longer than one hundred eighty (180) days from the date it is granted unless a building permit or certificate of occupancy is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. The board of adjustment may grant one extension of this period, valid for no more than one hundred eighty (180) additional days, upon written application and good cause shown, without notice or hearing. If any special use is abandoned, or is discontinued for a continuous period of one year, the special use permit for such use shall become void, and such use shall not thereafter be reestablished unless a new special use permit is obtained.

11. Temporary Permits.

(a) Authority. The zoning administrator is authorized by this ordinance to issue a "temporary permit" for uses specifically authorized in particular zoning districts as temporary permit uses.

(b) Application. An application for a "temporary permit" shall be made to the zoning administrator in writing on a form provided by the city. The zoning administrator shall issue a permit only after he is satisfied that the use allowed by the "temporary permit" will not adversely affect the public health, safety or general welfare of the city and/or immediate neighborhood.

(c) Hearing. The zoning administrator may, if he so desires, hold a public hearing on the request for a "temporary permit" or may contact the property owners affected by the proposed use regarding their opinion of the use.
(d) Conditions. The zoning administrator may require that certain conditions relating to the public health, safety or general welfare be complied with before the issuance of a "temporary permit".

(e) Written Decision. The zoning administrator shall render a written decision on the application for a "temporary permit" within a reasonable time and promptly forward a copy of the decision to the petitioner. Appeals from the decision of the zoning administrator can be made to the board of adjustment. (Ord. 23-75, 6-3-1975; Ord. 11-81, 2-17-1981; Ord. 41-82, 10-5-1982; Ord. 8-00, 6-6-2000)

SECTION 22. RESERVED

SECTION 23. BOARD OF ADJUSTMENT

23.0. PURPOSE:

A board of adjustment is hereby established which shall consist of five (5) members. The terms of office of the members of the board and the manner of their appointment and of filling vacancies shall be as provided by statute.

1. The board shall adopt its own rules of procedure not in conflict with this ordinance nor with the Iowa statutes in such case made and provided.

2. All meetings of the board shall be held at the call of the chairman and at such times as such board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall also keep records of its examinations, hearings and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, and the reasons for recommending or denying such variation shall be specified. Every rule or regulation, and every amendment or repeal thereof, every order, requirement, decision or determination of the board shall be filed immediately in the office of the board and shall be a public record.

3. An appeal may be taken to the board by any person, firm or corporation aggrieved, or by an officer, department, board or bureau of the city affected by any decision of the building inspector. Such appeal shall be taken within a reasonable time as shall be prescribed by the board of adjustment by general rule, by filing with the bidding inspector and with the board a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

The board shall select a reasonable time and place for the hearing of the appeal and give notice thereof in the manner provided by paragraph 8 of this section. Following the conclusion of the hearing, a decision on the appeal shall be rendered without unreasonable delay. Any person may appear and testify at any hearing, either in person or by counsel.

A fee of fifty dollars ($50.00) shall be paid to the City of Bettendorf for all variances and
appeals for detached, single-family residences. A fee of one hundred dollars ($100.00) shall be paid to the City of Bettendorf for all other applications to the board of adjustment. The fee shall be paid at the time the notice of appeal is filed and no part of such fee shall be returnable to any appellant.

4. The board shall have the following powers and it shall be its duty:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of this ordinance.

(b) To hear and decide by granting or denying an exception to the provisions of this ordinance including but not limited to the following instances:

(1) A request for the extension of a district where the boundary line of a district divides a lot or tract held in single ownership at the time of the passage of this ordinance.

(2) Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the zoning plan, as shown upon the maps fixing the several districts, accompanying and made a part of this ordinance, where the street layout actually existing on the ground varies from the street layout as shown on the said map or maps.

(3) Permit the erection and use of a building or structure or the use of premises for railroad or public utility purposes.

(4) Permit the reconstruction of a nonconforming building which has been damaged by fire or other causes to the extent of more than sixty (60) percent of its actual value, where the board finds that the public interest will best be served by permitting a continuance of the nonconforming use.

(5) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or whenever such regulations would impose an unreasonable hardship upon granting an advantage or a convenience.

(c) The board shall have authority to authorize upon appeal in specific cases variances from the terms of this ordinance when the following is made to appear by the property owner:

(1) Whenever a property owner can show that a strict compliance with the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon such owner unusual and practical difficulties or particular hardships.

(2) If the variance granted is in harmony with the general purpose, intent and spirit of this ordinance.

(3) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance 381 of the city,
and at the same time surrounding property will be reasonably protected.

(4) That by granting the request for a variance substantial justice will be done.

(d) The board shall have authority to authorize the granting of a special use in accord with the conditions of this ordinance.

(e) The board shall have the authority to decide upon the correctness and appropriateness of all external additions, expansions and improvements to areas developed under development plans mandated by this ordinance which have been completed as certified by a final resolution of the city council. This authority shall obligate the board to review the intent of the original concept so that improvements, beyond routine good maintenance, do not detract from, either directly or incrementally over a period of time, the concept which makes the development desirable and practical.

In its consideration of a specific case, the board must determine that the granting of a variance from the terms of this ordinance will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and that the spirit of this ordinance shall be observed and substantial justice done.

5. In considering all appeals and any proposed exception or variance to this ordinance, the board, before making any exception or variance in a specific case, shall first determine:

(a) That the granting of exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.

(b) That it will not impair an adequate supply of light and air to adjacent property.

(c) That it will not unreasonably increase the congestion in public streets.

(d) That it will not increase the danger of fire or of the public safety.

(e) That it will not unreasonably diminish or impair established property values within the surrounding area.

(f) That it will not in any other respect impair the public health, comfort, safety, morals or welfare of the inhabitants of the city.

6. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of the building inspector or to decide in favor of the applicant any matter upon which the board is authorized by this ordinance to render a decision.

7. In exercising its powers, the board may, in conformity with the provision of this ordinance, reverse or affirm, wholly or in part, or may modify the order, requirement, or decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. Nothing herein contained shall be construed to give or grant to the board the power or authority to alter or change the zoning ordinance or the district map, such
power and authority being reserved to the council in the manner hereinafter provided in section
24.

8. The board shall make no finding except in a specific case and after a public hearing
conducted by the board. Notice of the time and place of such public hearing shall be
published at least once not less than six (6) days before the date of the hearing, in a Scott
County publication having a general circulation within the city. Such notice shall contain the
address and location of the property for which the variance or other ruling by the board is
sought as well as a brief description of the nature of the appeal.

9. Any person jointly or severally aggrieved by any decision of the board under the provision of
this ordinance or any taxpayers or any officer, department, board or bureau of the city shall
have recourse to such relief as is provided by the statute of the State of Iowa, including
review by certiorari. (Ord. 15-79, 5-15-1979; Ord. 31-79, 7-2-1979; Ord. 41-82, 10-5-1982;
Ord. 13-92, § 1, 5-5-1992)

SECTION 24. AMENDMENTS

24.1. The regulations imposed and the districts created by this ordinance may be amended
from time to time by the council.

1. Initiation of amendment. An amendment may be initiated by a motion of the city council,
planning and zoning commission or by the filing of an application for such action signed by
the property owners within the area to be changed by the proposed amendment.

2. Application for amendment. An application for an amendment to the zoning district
classification, to the text regulations, or a request for a PUD, shall be filed with the city clerk
in such form and accompanied by such information as required by the city council and the
planning and zoning commission. Each application seeking a change shall, at the time of
filing, contain or be accompanied by all required information.

3. Public notification of district reclassification.

(a) The city clerk or person designated by the city clerk, shall provide each applicant
requesting a change to the official zoning map with at least two (2) rezoning notification
signs containing the date, time and place of the planning and zoning commission meeting.
Said signs shall be clearly posted by the applicant on the property for which the request
has been made. On large parcels, additional signs may be required to be posted. At least
one sign must be placed so that it may be seen from a street, and in the case of through
lots and/or corner lots, a sign shall be posted on both frontages. When a property is in the
interior of a block or tract of land, additional signs may be required to be posted adjacent to
and facing the surrounding properties. For each sign provided, the applicant shall pay a fee
in an amount established, from time to time, by the city council by resolution.

(b) Posting of notification signs. Notification signs shall be posted at least ten (10) days
before the planning and zoning commission meeting which said dates shall be noted on the
sign. It shall be the applicant's responsibility to see that said signs remain posted during the
entire ten day period. If the signs are not posted in accordance with the preceding
requirements, the planning and zoning commission may delay action on the petition, except
that if the applicant satisfies the commission that the signs were initially posted at least ten
(10) days prior to the commission meeting and that the applicant made diligent efforts to keep the signs posted during the entire period, and that only circumstances beyond the applicant's control prevented a continuous posting, then the commission may act on the petition.

(c) Courtesy notices to adjoining property owners. Notices stating the petitioners request, the general location of the property involved, date and location of the commission's public meeting, shall be sent by the planning coordinator, at least five (5) days prior to the meeting date, to all property owners within two hundred (200) feet of the perimeter of the property requested to be reclassified. Such notices shall be sent by ordinary mail with postage prepaid.

(d) Action at other than specified times. If the commission is to initially act on the petitioners request at any time other than that specified on the rezoning notification signs, the petitioner may be required to obtain and post new signs with new dates.

(e) Removal of signs. Signs required to be posted pursuant to this section must be removed within seventy-two (72) hours after the hearing date listed on the sign. (Ord. 11-86, § 1, 2-3-1986)

24.2. Notice of public hearing to be conducted by the body holding the hearing and the time and place thereof shall be published at least once not less than seven (7) days prior to the date fixed for such hearing in a Scott County publication having a general circulation in the city. (Ord. 11-86, § 1, 2-3-1986; Ord. 48-87, § 1, 8-18-1987)

24.3. Prior to the adoption of an ordinance amending and changing the regulations and districts created by this ordinance, the council shall consider the report and recommendation of the commission.

24.4. In case the commission does not approve the proposal or in case of a protest against such change signed by twenty (20) percent or more of one or more of the following groups:

(a) Property owners of the lots included in such proposed change.

(b) Property owners immediately adjacent in the rear thereof extending the depth of one lot or not to exceed two hundred (200) feet therefrom (excluding street right-of-way).

(c) Property owners immediately adjacent in the front thereof extending the depth of one lot or not to exceed two hundred (200) feet therefrom (excluding street right-of-way).

(d) Property owners immediately adjacent to any and all sides (including the front and rear sides) of the proposed change extending one lot or not to exceed two hundred (200) feet therefrom (excluding street right-of-way).

Such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of council.

24.5. Any petition or request for an amendment to this ordinance, except by the commission, board or council, shall be accompanied by a filing fee of one hundred dollars ($100.00) for ten (10) acres or less and two hundred dollars ($200.00) for ten and one-hundredth (10.01) acres
or more, shall be paid to the city clerk of the city at the time the petition is filed which the city clerk shall forthwith pay to the city treasurer to the credit of the general revenue fund of the city, no part of which shall be returnable to the petitioner.

24.6. A petition of request for amendment to this ordinance shall not be accepted for processing for a particular change or for an individual parcel of property until a period of at least three (3) years shall have passed since that same change or same property was denied. However, the petition may be accepted before the elapsed three (3) year period, if it can be shown that either:

1. Conditions in the area have substantially changed; or

2. A larger parcel of property, including the previously petitioned for parcel, is involved; or

3. The request is for a different zoning classification; or

4. The request is for a planned unit development. (Ord. 22-75, 5-20-1975; Ord. 32-79, 7-3-1979)

SECTION 25. PENALTIES AND REMEDIES

The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, or be maintained, and any architect, builder or contractor who may be employed to assist in the commission of any such violation and all persons who shall fail to comply therewith or with any of the detailed statement of plans submitted and approved thereunder shall for each and every violation or noncompliance be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars ($100.00) for each offense. Each day during which such violation shall continue shall constitute a separate offense.

In the event any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure or land is used in violation of this ordinance, the council, in addition to other remedies, may institute an action for injunctive relief or any proper action or proceedings in the name of the city to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any act, conduct, business or use in or about such premises in violation of this ordinance. Any building erected, raised or converted, or land or premises used in violation of any provisions of this ordinance or the requirements thereof, is hereby declared to be a public nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under the statutes.

SECTION 26. INVALIDITY OF PORTIONS

Should any section or provision of this ordinance be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the portion so declared to be invalid.

SECTION 27. REPEAL
Ordinance 383, dated July 2, 1957, of the City of Bettendorf, Iowa, together with all amendments thereto, and all previous general zoning ordinances of the City of Bettendorf, Iowa, and all ordinances or parts of ordinances inconsistent or in conflict with this ordinance, are hereby repealed, except for prior ordinances which specify a particular dimension for a front yard, or which authorize the location and construction of a public utility installation, which prior ordinances shall remain in full force and effect.