

CHAPTER 165

ZONING REGULATIONS – GENERAL PROVISIONS

165.01 Title
165.02 Interpretation of Standards
165.03 Definitions
165.04 Districts
165.05 Boundaries
165.06 Site Plan Requirements
165.07 Changes and Amendments

165.08 Map Replacement
165.09 Zoning of Annexed Areas
165.10 Complaints Regarding Violations
165.11 Schedule of Fees
165.12 Architectural Design Requirements
165.13 Comprehensive Plan

165.01 TITLE. Chapters 165 through 172 may be known and cited and referred to as the Zoning Ordinance of the City of Carlisle, Iowa, and are referred to herein as the Zoning Regulations.

165.02 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of these Zoning Regulations shall be held to be minimum requirements; where the Zoning Regulations impose a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the Zoning Regulations shall control.

165.03 DEFINITIONS. For the purpose of the Zoning Regulations, certain terms or words used herein shall be interpreted as set out below. The words “used” and “occupied” include the words “intended, designed or arranged to be used or occupied.” The word “lot” includes the words “plot” or “parcel” and all other words or phrases used to denote an individual building site that complies with the minimum provisions of the Zoning Regulations.

1. “Accessory use or structure” means a use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.

2. “Adult uses” includes adult amusement or entertainment, adult book store, or adult gift shop, adult hotel or motel, adult photo studio, adult theater and adult massage parlor, as defined herein.

A. “Adult amusement or entertainment” means an amusement or entertainment that is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical area, as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

B. “Adult book store or adult gift shop” means an establishment having as a substantial and significant portion of its stock in trade books, magazines, and other periodicals or goods and items held for sale, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein.

C. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on matter depicting, describing

or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by the individuals therein.

D. “Adult massage parlor” means any building, room, place, or establishment where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on specified sexual activities or specified anatomical areas, as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician’s direction, licensed massage therapist, aesthetician, physical therapist, chiropodist, registered speech pathologist or physical or occupational therapist who treats only patients recommended by a licensed physician and operates only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices, and includes Turkish bath houses. The term does not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

E. “Adult photo studio” means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas or specified sexual activities, as defined herein.

F. “Adult theater” means a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons herein.

3. “Alley” means a public way, other than a street, 26 feet or less in width, affording secondary means of access to abutting property. An alley is not considered a public thoroughfare.

4. “Apartment hotel” means a building designed for or containing both individual guest rooms or suites of rooms and rooms or suites of rooms for dwelling units.

5. “Basement” means a story having more than one-half of its height below grade. A basement is not counted as a story for the purpose of height regulation, providing the finished floor level directly above is not more than six feet above grade. (See “basement, walkout,” “cellar,” and “story.”)

6. “Basement, walkout” means a basement having a portion of its finished floor not more than four feet below the finished yard grade at any of its exterior walls and having not less than two-thirds of the vertical height of an exterior wall, which has a ground level exit to the outside, above ground. A walkout basement shall be considered the ground floor level of the building and shall be counted as a story.

7. “Bed and breakfast” means a lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures or adjacent structures on the same parcel that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner of the structure, including no more than eight units, and accommodate each guest or visitor for no more than seven consecutive days during any one-month period. A bed and breakfast may only be located in a residential, commercial or agricultural zone.

8. “Billboard” means any structure, regardless of the base or materials used in construction of the same, that is erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertises a business or attraction which is not carried on or manufactured in or upon the premises upon which said sign or billboard is located.
9. “Block” means all that property frontage along one public thoroughfare lying between the two nearest intersecting or intercepting streets, railroad right-of-way, waterway, golf course, campus, park or other similar open space.
10. “Board” means the Board of Adjustment of the City.
11. “Boarding house” means a building other than a hotel where, for compensation, meals and lodging are provided for four or more persons, but does not include rest homes.
12. “Boundary of district” means the centerline of a street or right-of-way or the centerline of the alleyway between the rear or side property lines or, where no alley or passageway exists, the rear or side property lines of all lots bordering on any district limits or any district boundary shown on the maps adopted as a part of the Zoning Regulations.
13. “Building” means any structure having a roof supported by walls or by columns intended for enclosure, shelter, or housing of persons, animals or chattel. When any portion thereof is entirely separated by walls in which there are no communicating doors or windows or any similar opening, each portion so separated shall be deemed a separate building.
14. “Building, height of” means the vertical distance from the average finished ground grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
15. “Building line” means the extreme overall dimensions of a building as determined from its exterior walls and as staked on the ground, including all areas covered by vertical projection to the ground of overhang of walls or any part of a primary structural support or component, which is nearest to the property line.
16. “Building site” means the ground area of one lot; or the ground area of two or more lots that have been combined for the use of one building or permitted group of buildings, together with all open spaces required by the Zoning Regulations.
17. “Cellar” means a story having not more than one-half of its height below grade, which is inaccessible to the outside except by stairway, and in which the air vents or ventilation windows are not more than 18 inches in height and four square feet in each area.
18. “Centerline, public thoroughfare” means a line running parallel with the thoroughfare right-of-way and which is half the distance between the extreme edges of the official right-of-way width.
19. “Cocktail lounge, cabaret” means any place of business, other than a night club, located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one-person performance and dancing is prohibited. (See also “Tavern.”)

20. “Commission” means the Planning and Zoning Commission of the City.
21. “Conditional permit” means a permit issued in view of specified conditions, limitations, or restrictions and which is subject to review or cancellation by the issuing department.
22. “Court” means an open, unoccupied, unobstructed space, except for trees, shrubs, statuary or other articles normally considered accessory to landscaping, and which is bounded on two or more sides by a building on the same lot.
23. “Crown of road” means the grade at the centerline of the pavement within a public thoroughfare, or where no pavement exists, grade at the right-of-way centerline.
24. “District” means a section or sections of land area, depicted on the Official Zoning Map, within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
25. “Dump” means premises used for the disposal of clean-type fill or refuse, such as dirt, rocks, cans, tree branches, and similar materials but not including organic matter of any type such as garbage or dead animals or portions thereof.
26. “Dwelling” means any stationary, permanent building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or trailer coach.
- A. “Dwelling unit” means one or more rooms in a dwelling, multiple dwelling or apartment hotel used for occupancy by one family as a home or residence for living or sleeping purposes and in which the cooking and sanitary facilities are designed for the use of one family only.
- B. “Dwelling, one-family” means a detached building, on a building site, designed for and used exclusively for residential purposes by one family and containing one dwelling unit.
- C. “Dwelling, two-family” means a building designed for and used exclusively for occupancy by two families living independently of each other and containing two dwelling units.
- D. “Dwelling, multiple” means a building or buildings on a common lot designed for and used for occupancy by three or more families living independently of each other and containing three or more dwelling units.
27. “Factory-built home” means any dwelling that qualifies pursuant to the following requirements:
- A. Mobile Dwelling. A vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will a single-family dwelling and containing water supply, waste disposal, heating and electrical conveniences.
- B. Chassis. A mobile dwelling that is built on a chassis.
- C. Travel Trailer. A mobile dwelling which is not a travel trailer or other form or recreational vehicle.
- D. Conversion. A factory-built home shall be construed to remain a factory built home, subject to all regulations and requirements applying to factory built homes as established within this division, whether or not

appurtenances, including any hitch, wheel or axle, are removed, and regardless of the foundation provided for such home.

E. Manufactured Home. A factory built home may be classified as a manufactured home, provided that the requirements established for a manufactured home have been satisfied.

28. “Garage, mechanical” means a structure in which major mechanical repair or rebuilding of motor powered vehicles is performed for commercial gain and in which the storage, care and minor servicing are accessory uses.

29. “Garage, private” means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building. A private garage, of less than three-car capacity, may be rented for the private vehicles of persons not residents on the premises.

30. “Gas station” means a structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities or accessories for motor vehicles and including the customary space and facilities for the installation of such commodities or accessories on or in such vehicles, but not including space or facilities for the storage, painting, repair, refinishing, body work or other major servicing of motor vehicles.

31. “Grade” means:

A. For buildings having walls adjoining one street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street.

B. For buildings having walls adjoining more than one street, the average elevation of the regularly established sidewalk grades at the center of walls adjoining the streets.

C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is considered as adjoining the street.

32. “Half-story” means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the floor immediately below it.

33. “Home occupation” means any occupation or profession conducted solely by resident occupants in their places of abode, involving primarily service and not the sale of commodities upon the premises, provided that not more than one-quarter of the area of not more than one floor level of the building may be used in pursuit of the occupation and not more than one person other than the occupants of the building may be employed.

34. “Junk” means old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building material, scrap contractors’ equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed for barter, resale, reuse, salvage, stripping or trade. (See also “trash.”)

35. “Junk yard” means any area where junk is bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking or structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged material necessary as a part of manufacturing operations.

36. “Kennel” means an area for the keeping of any animal, regardless of number, for sale, breeding, boarding or treatment purposes, except in an animal hospital, dog beauty parlor or pet shop, as permitted by law, or for keeping of four or more animals, six months or older, on premises used for residential purposes or for keeping of more than one animal on vacant property or on property used for business or commercial purposes.

37. “Lot” means, for zoning purposes as covered in the Zoning Regulations, a parcel of real property of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in the Zoning Regulations. Such lot shall have frontage on a dedicated street, and may consist of any one of the following:

A. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

B. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of the Zoning Regulations;

C. A portion of lot of record;

D. Single lot of record.

38. “Lot lines” are:

A. Front. The line separating the front of the lot from the street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street is considered the front lot line.

B. Rear. The rear lot line is that boundary that is opposite and most distant from the front lot line. In the case of an interior triangular or gore-shaped lot, it means a straight line, 10 feet in length, which:

(1) Is parallel to the front lot line or its cord;

(2) Intersects the two other lot lines at points most distant from the front lot line.

C. Side. Any lot boundary line not a front lot line or a rear lot line.

39. “Lot measurements” are:

A. Area. The gross area, exclusive of streets or other public right-of-ways, within the boundary lines of a lot.

B. Depth. The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth is the horizontal distance between the midpoints of the front and rear lot lines.

- C. Width. The horizontal distance between the side lot lines as measured perpendicular to the line compromising the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback.
40. “Lot of record” means a lot that is part of a subdivision, the deed of which is recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
41. “Lot types” are:
- A. Corner Lot. A lot located at the intersection of two or more streets, and having the street right-of-way abut the front and one or more side lines of the lot.
- B. Double Frontage Lot. A lot other than a corner lot with frontage on more than one street or public thoroughfare, which streets do not intersect one another.
- C. Interior Lot. A lot, other than a corner lot, having frontage on but one street or public thoroughfare.
- D. Key Lot. A key lot is a lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid key lots.
- E. Reversed Frontage Lot. A corner lot, the side street line of which is substantially a continuation of the front lot line of the first interior lot to its rear.
42. “Manufactured home” means any dwelling that qualifies pursuant to the following requirements:
- A. Permanency. Any factory-built, single-family dwelling that is manufactured or constructed under the authority of 42 U.S.C. Section 5403, *Federal Manufactured Home Construction and Safety Standards*, and which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.
- B. Factory-Built Home. A factory-built home, as defined in this section, shall not be considered a manufactured home, unless it has been constructed pursuant to all applicable standards established in the *Federal Manufactured Home Construction and Safety Standards* and it has been converted to real property and is taxed as a site-built dwelling as is provided in Chapter 135D of the *Code of Iowa*.
- C. Effect. For purposes of this chapter, any dwelling that is a manufactured home, as defined in this section, shall be considered the same as a single-family detached dwelling.
43. “Modular home” means any single-family dwelling unit that is manufactured in whole or in components at a place other than the location where it is to be permanently located, and which is assembled in whole or in components at the location where it is to be permanently located; and which rests on a permanent foundation or slab; and which does not have wheels or axles affixed as a part of its normal

construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer motor home, or factory-built home.

44. “Mobile home park” means any lot or portion of a lot upon which two or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

45. “Nonconforming use” means the use of a building or of land or any portion thereof which was lawfully established and maintained but which, because of the application of the Zoning Regulations to it, no longer conforms to the use regulations of the zone in which it is located.

46. “Non-profit institution” means a non-profit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups or individuals. Cooperative non-profit associations performing a service normally associated with retail sales or trade, such as cooperative groceries, granaries, equipment sale, etc., are not considered non-profit institutions under these Zoning Regulations.

47. “Parking space, automobile” means an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than 10 feet by 20 feet, plus such additional area as is necessary to afford adequate ingress-egress. Where four or more automobile parking spaces are to be grouped as a common facility meeting a requirement of these Zoning Regulations, the individual car spaces, plus the area necessary for driveways, shall total not less than 315 square feet per car space.

48. “Premises” means any lot, plot, parcel or tract of land, building or buildings, structure or structures used publicly or privately as a place of business, dwelling or meeting place.

49. “Principal building” means the building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification in which it is located.

50. “Public thoroughfare” means any right-of-way under the jurisdiction and maintenance of the governmental agencies of the Federal, State and Municipal government, and which may be used by the public in general, and which serves as the frontage street to the abutting property. (See “street.”)

51. “Resubdivision” means any change in the shape or size of any lot, tract, or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorages, or other use; or any change in the shape or size of any lot, tract, or parcel of land previously approved for building purposes, whether immediate or future, and regardless of whether or not the same is vacant or improved in whole or in part, for sale, rent, lease, building development, anchorage, or other use.

52. “Setback” means the minimum horizontal distance between the front, rear, or side lines of the lot and the front, rear, or side lines of the building, respectively. When two or more lots under one ownership are used, the exterior property line of the lots so grouped shall be used in determining setbacks.

53. “Sign” means any device designed to inform, attract the attention of persons not on the premises which the sign is located.

54. “Special permit” means the authorization of a zoning certificate for an unclassified or special use of a lot by the City following a review of the application for use by the Board. A special permit may be issued only for those uses listed under Chapter 168.
55. “Specified anatomical areas” means less than completely and opaquely covered human genital, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state even if completely and opaquely covered.
56. “Specified sexual activities” means patently offensive acts, exhibitions, representations, depictions or descriptions of:
- A. Human genitals in a state of sexual stimulation or arousal;
 - B. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
 - C. Intrusion, however slight, actual or stimulated, by any object, any part of an animal’s body, or any part of a person’s body into the genital or anal openings of any person’s body;
 - D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated; flagellation, mutilation or torture, actual or simulated, in a sexual context.
57. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above, then the space between such floor and the ceiling next above it is considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar is considered a story.
58. “Street” means a public thoroughfare that affords the principal means of access to the abutting property. (See “public thoroughfare.”)
59. “Street line” means a dividing line between a lot, tract or parcel of land and a contiguous street. (See “lot line, front.”)
60. “Structural alterations” means any replacement or change in the shape or size of any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, arches, girders, floor joist, or roof trusses, beyond ordinary repairs and maintenance.
61. “Structure” means anything constructed or erected with a rigid or fixed location on the ground, or attachment to something having a permanent location on the ground, including buildings, walls, fences, signs, light standards, towers, tanks, etc.
62. “Subdivision” means a division of a lot, tract or parcel of land into three or more lots, plats, sites or other subdivisions of land for the purpose, whether immediate or future, of sale, rent, lease, building development, right-of-way dedication or other use.
63. “Tourist cottage” means a single-family dwelling used as one of the units of a tourist park.
64. “Tourist park” means any lot or plot of real property upon which three or more single-family camp cottages, or two or more trailers or any combination of tourist

cottages or tourist homes or trailers are located and maintained for the accommodation of transients, whether a charge is or is not made.

65. “Trailer” means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term “trailer” includes camp car and house car.

66. “Travel trailer” means any vehicular, portable structure built on a chassis, designed as a temporary dwelling not exceeding eight feet in width and not exceeding 40 feet in length, exclusive of separate towing unit. The term “travel trailer” includes pick-up coach, motor home, camp trailer, or other similar mobile and temporary dwellings commonly used for travel, recreation or vacation quarters.

67. “Travel trailer park” means a parcel of land upon which two or more spaces are provided, occupied, or intended for occupancy by travel trailers for transient purposes, not to exceed 30 days.

68. “Variance” means a modification of the specific regulations of these Zoning Regulations granted by resolution of the Board of Adjustment in accordance with the terms of the Zoning Regulations for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of the privileges commonly enjoyed by other properties in the same vicinity and zone.

69. “Yard” means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except for landscaping or as otherwise provided in these Zoning Regulations.

A. “Yard, front” means the yard area lying to the front of the principal building or between the front building line and the front lot line.

B. “Yard, rear” means the yard area lying to the rear of the principal building or between the rear building line and the rear lot line.

C. “Yard, side” means the yard area lying to the sides of the principal building or between the side building lines and the side lot lines.

70. “Zone” means any one of the classes of districts established in these Zoning Regulations.

71. “Zoning Administrator” means the administrative officer designated or appointed by the City to administer and enforce the regulations contained in these Zoning Regulations.

72. “Zoning certificate” means the written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of the Zoning Regulations and for the purpose of carrying out and enforcing the provisions thereof.

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165.04 DISTRICTS. In order to classify, regulate, and restrict the location of trades and industries and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings, the City is divided into 15 classes of districts. The use, height, and area regulations are uniform in each class of district, and said districts shall be known as:

R-1a	Single-Family Residential District (low density)
R-1	One- and Two-Family Residential District (medium density)
R-2	Medium Density Residential District (medium density)
R-3	Multi-Family Residential District (high density)
C-1	Limited Commercial District
C-1a	Transitional Commercial/Residential District
C-2	Highway Commercial District
C-3	Central Business District
C-4	Planned Office/Commercial Park District
M-1	Light Industrial District
M-2	Heavy Industrial District
A-1	Agricultural District
PUD	Planned Unit Development
RM-1	One- and Two-Family Residential/Light Industrial District
MM-1	Modified Light Industrial District

165.05 BOUNDARIES. The boundaries of these districts are indicated upon the Official Zoning Map of the City, which map is made a part of these Zoning Regulations by reference. The said Official Zoning Map and all notations, references, and other matters shown thereon shall be as if the notations, references, and other matters set forth by said map were all fully described herein. The Official Zoning Map shall be filed in the office of the City Clerk. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk. The district boundaries are either lot lines or the centerlines of streets and alleys, unless otherwise shown, and where the districts designated are bounded approximately by street, alley, or lot lines and are not dimensioned otherwise, the lot lines or the centerlines of streets and alleys shall be construed to be the boundaries of the district.

165.06 SITE PLAN REQUIREMENTS.

1. Purpose. This section is intended to:
 - A. Establish a procedure for the City to review proposed improvements within the specified zoning districts of the City to insure compliance with all applicable zoning, subdivision, and building regulations.
 - B. Protect and provide for the public health, safety and general welfare of the City.
 - C. Establish reasonable standards of design and procedures for development and redevelopment in order to further the orderly layout, harmonious development of land use, and most beneficial relationship between uses of land.
 - D. Insure provisions for engineering of pavement, surface, and subsurface drainage; erosion control; and orderly and efficient circulation of traffic, water, sanitary sewer, and other utilities.

- E. Provide for suitable screening of parking, truck loading, refuse disposal, and outdoor storage from adjacent property.
- F. Ensure that infrastructure will have a sufficient capacity to serve the proposed development.
- G. Prevent the pollution of air, streams, and ponds; assure the adequacy of drainage facilities; safeguard the water table; and encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- H. Preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features.
- I. Provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development, as established in these Zoning Regulations.

The proposed development shall conform to all applicable provisions of the *Code of Iowa*, as amended, and all applicable provisions of this Code of Ordinances, as amended.

2. Required. Site Plans are required for:

- A. All development or redevelopment of any lot, tract, or parcel of land that includes unclassified, special and/or conditional uses in single-family and one- and two-family residential districts and all uses in multiple-family residential, commercial, or industrial districts.
- B. All developments of paved areas or fenced property.
- C. Exceptions:
 - (1) The development does not require any additional parking spaces.
 - (2) The development does not increase the rate of storm water runoff.
 - (3) The building or building addition does not exceed 150 square feet.

3. Site Plan Procedure.

- A. Submit 10 copies of the site plan to the City Clerk by 4:00 p.m. on the third Monday of each month. The plans shall be no larger than 24" x 36". All plans shall be folded.
- B. The City Clerk shall distribute copies of the plan to the City Engineer, Public Works, Electric, City Administrator, and City Staff for their review and comment.
- C. The City will respond in writing to the Applicant within 15 days.
- D. The Applicant shall make the revisions to the plans and resubmit 16 copies to the City Clerk by 4:00 p.m. on the second Monday of the following month.
- E. The City Clerk shall forward a copy of the site plan to each member of the Planning and Zoning Commission. The Planning and Zoning Commission shall, after receiving the report from the Engineer and the City Staff, review the site plan for conformity and shall confer with the Applicant on changes deemed advisable in such site plan.
- F. The Applicant or agents submitting a site plan shall personally appear before Planning and Zoning upon notice from the City Staff.

G. The Commission may, in its discretion, hold a public hearing on the site plan of the proposed development and prescribe the notice thereof and to whom such notice shall be given.

H. The Planning and Zoning Commission shall forward its recommendation either for approval or disapproval of the site plan to the Council.

I. The Council shall, upon receipt of the recommendation of the Planning and Zoning Commission, place said recommendation upon the next Council agenda for discussion, and within 35 days thereafter shall either approve or disapprove the site plan of the proposed development. The Applicant or agent shall personally appear before the Council upon notice from the Council when said site plan is scheduled for action by the Council. If said owner or agent fails to appear as scheduled, the Council shall take no action on said site plan.

J. No building permit or certificate of zoning compliance for any structure within any district within which a site plan is required shall be issued until the site plan has been approved as provided herein.

K. Upon final approval by City Council, the applicant shall file three (3) copies of the Site Plan with the City Clerk with all the revisions and stipulations as specified by City Staff and City Council.

L. If the City finds that any construction or proposed construction or occupancy of a development on a tract of land for which a site plan has been approved will not substantially comply with the site plan as approved, or if the City finds that the construction and development of the tract are not being carried out in accordance with the development schedule filed with the site plan, the City shall suspend all building permits for the development. Thereafter, all construction will be stopped until such time as the owner of the project, or said owner's successor in interest, shall have provided the City with proof satisfactory to ensure that the site plan will be complied with. The City shall not issue a certificate of zoning compliance for any structure within the development while the building permit for the development has been suspended pursuant to this section. Any person aggrieved by any decision or action of the City under this section may appeal such action or decision to the Board of Adjustment.

M. If the owner or developer of a tract of land for which a site plan has been approved determines that an extension of time is necessary or that a modification of the site plan would provide for a more appropriate or more practicable development of the site, said owner or developer may apply for an amendment of the site plan. The Planning and Zoning Commission may grant an extension of time or a modification of a previously approved site plan if it determines that such modification of the site plan would provide for a more appropriate development of the site.

N. A meeting between the developer, land owner, representatives of the municipal electric, water, and sanitary sewer utilities and City Administrator, at which capacity requirements and costs of utility infrastructure extensions will be disclosed, will be required before a site plan and building permit can be approved. The developer must provide evidence of adequate capacity for any needed private utilities, including (but not limited to) gas, telephone, and cable, prior to approval of a site plan and building permit.

4. Submittal Requirements for Site Plan Review.

A. Name and address of applicant.

B. Name and address of owner of the record of property.

- C. Name and address of the person or firm preparing the site plan.
- D. Legal description and zoning classification of the property (dimensions of the present lot and lot area, to the nearest tenth of a foot).
- E. Address of the property and date of preparation.
- F. A vicinity map at a scale of 1" = 500' or larger, showing the general location of the property, and the adjoining land uses and zoning.
- G. North arrow, graphic scale (not less than 1" = 10' and no greater than 1" = 60' unless an alternate scale is approved by the City Staff).
- H. Size and location of all existing and proposed buildings, additions, and structures including:
 - (1) Setback distance to property lines.
 - (2) Exact exterior dimensions of each building.
 - (3) Location of entrances and overhead doors.
 - (4) Number of dwelling units.
 - (5) Square footage of each type of use.
- I. Zoning designation of the property.
- J. Proposed land and building use on the property.
- K. Existing and proposed location, size, and grade of sanitary sewer mains and service lines.
- L. Existing and proposed location and size of water mains, service lines, and hydrants.
- M. Existing and proposed location of electric lines, phone lines, gas lines, fiber lines, etc.
- N. Existing and proposed location and size of drainage facilities and roof drains.
- O. Location, grade, and dimensions of all existing paved surfaces and abutting streets.
- P. Existing and proposed location, dimensions, pavement treatment and depth of pavement for all parking areas, individual parking spaces, drive aisles, driveways, curb cuts, easements, right-of-ways, walkways, loading areas, dividers, curbs, islands, and other parking and drive improvements.
- Q. Existing and proposed contours at one-foot intervals based on City Datum (USGS Datum).
- R. Location and proposed methods of screening for outdoor trash dumpsters.
- S. Locations and type of all existing and proposed signs.
- T. Location, size, and type of all proposed outdoor lighting.
- U. Location of water bodies, swamps, and flood-prone areas, wetland boundaries, 100-year flood plain boundary line, and floodway boundary line.
- V. Erosion Control Plan to prevent migration of soils off-site.
- W. Location of natural features including existing trees and rock.
- X. Storm Water Management Plan as per City Staff requirements.

- Y. Landscape Plan:
 - (1) Open space provided and required.
 - (2) Location of plants.
 - (3) Plant list, including the plant species, the quantity of each type of plant, the size of each plant at the time of planting.
 - (4) Location and detail of all fences and walls.
 - Z. Traffic Impact Studies, if deemed necessary by City Staff.
 - AA. Architectural Drawings:
 - (1) All exterior wall elevations (floor height, overall building height).
 - (2) Building floor plans (proposed usage, interior floor area).
 - (3) State the color and type of building materials of all structures.
 - BB. Additional information, drawings, or other materials necessary to describe a proposed project may be requested by the Planning and Zoning Commission or staff. The applicant may include additional information or materials such as sketches, videos, models, or photos, if they help explain the proposal.
5. Site Plan Design Standards. The design standards provided herein are to insure the orderly development of property in such a manner as will ensure the public's health, safety and general welfare.
- A. Multiple Buildings on Single Lots.
 - (1) More than one commercial, industrial, hospital, institutional or public principal building may be erected on a lot, where such uses are permitted, provided that all setbacks from the property line are observed. The distances between structures shall be determined as per the provisions of the City's Building Code.
 - (2) More than one apartment dwelling is permitted on a single lot where such uses are permitted, provided that all setbacks from the property line are observed.
 - B. Sidewalks. (See Section 166.15):
 - (1) All sidewalks shall be constructed in accordance with the Americans with Disabilities Act.
 - (2) The minimum width of sidewalks in public rights-of-way shall be 5 feet, and constructed as per the *Urban Standard Specifications*.
 - (3) The minimum width of sidewalks in private property (except single- and multi-family residential zones) shall be 5 feet, and constructed as per the *Urban Standard Specifications*.
 - (4) The minimum depth of sidewalks through driveways shall be 6 inches.
 - (5) On-site sidewalks shall connect the street to the main entrance of the primary structure on site.
 - (6) Where sidewalks cross driveways, parking areas and loading areas, the crossing shall be clearly identified.
 - (7) Sidewalks in Industrial Zones may be waived, at the City Council's discretion.

C. Off-Street Parking and Loading Areas. (See Section 166.12):

- (1) All residential and commercial property shall be paved with either asphalt concrete (ACC) or Portland cement concrete (PCC). In addition, all paved areas shall be constructed with curb and gutter. Prefabricated portable curb stops shall not be considered an acceptable alternate unless otherwise approved by the City Council.
- (2) In Industrial properties, the area from the front yard to the front face of the building shall be hard surfaced. The remaining area could be gravel surfaced. If no building is on the property, then the area from the front yard to the building setback shall be hard surfaced.
- (3) The minimum thickness for gravel parking or storage shall be 6 inches. Asphalt millings are encouraged in lieu of rock to provide dust control.
- (4) The minimum pavement thickness shall be 5 inches of Portland Cement Concrete or 6 inches of Asphalt. Greater thickness may be required by subsurface conditions or type of vehicles using the parking area. In all off-street parking areas where access will be provided for heavy trucks and transit vehicles, the pavement thickness shall be adequate to accommodate such vehicles, as determined by the City Engineer.
- (5) The minimum access aisle width for one-way traffic shall be 15 feet. The City Engineer shall approve all one-way traffic circulation within the site.
- (6) The minimum access aisle for two-way traffic without parking is 20 feet.
- (7) Driveways may not exceed 30 feet in width for two-lane traffic and must be designed to minimize curb cuts. Multiple lanes of traffic (turn lanes) shall be reviewed and approved by the City Engineer.
- (8) Access driveways on public streets shall be approved by the City Engineer during the site plan submittal process. An entrance permit is not required by the City. All entrances onto IDOT roadways shall require an IDOT entrance permit. Adequate spacing between drives shall be as per the *Urban Design Standards* and the recommendations of the City Engineer. Alignment of driveways shall be encouraged.
- (9) All parking areas shall be striped.
- (10) All parking areas shall meet the requirements of the Americans with Disabilities Act.

D. Fences. (See Section 166.09) It is unlawful for a person to use barbed wire fence or electric fence to enclose land within the City limits without the consent of the Council or unless such land consists of 10 acres or more and is zoned agricultural.

E. Outdoor Display of Goods and Storage.

- (1) Outdoor display areas must comply with all applicable setback requirements for buildings.
- (2) Outdoor displays of goods and/or storage shall be placed on either ACC or PCC pavement. Gravel is not allowed.
- (3) Outdoor displays may not interfere with pedestrian or automobile traffic.

F. Landscaping and Screening Standards.

- (1) All landscape plans are subject to the review and approval by City Staff.
- (2) Appropriate screening shall be provided to shield adjacent residential uses from the impacts of the parking lot. In addition, a minimum parking setback of 10 feet shall be required adjacent to any “R” District.
- (3) Earth berms, hedge walls, fences, and/or trees shall be utilized to shield views of semi-trailer parking areas.
- (4) Adequate landscaping shall be provided and maintained to buffer and beautify the parking area. Both interior and peripheral landscaping shall be considered.
- (5) The minimum open space for multi-family properties shall be 15% of the total property area.
- (6) Minimum requirements at the time of planting: two trees minimum or one tree per 1,500 square feet of required open space, whichever is greater.
- (7) Shade trees shall be required along the parking lot. The spacing of the trees shall be one tree per 50 feet. Note that the trees may be grouped together.
- (8) Minimum requirements at the time of planting: 6 shrubs, or one shrub per 1,000 square feet of required open space, whichever is greater.
- (9) Shrubs and earth berms shall be utilized along the front yard.
- (10) Deciduous trees shall have a minimum diameter of 1½ inches.
- (11) Conifers shall be a minimum of 6 feet tall.
- (12) All landscaping shall be fully developed within two years after the occupancy of the building. The owner is responsible for replacing any landscaping within six (6) months of notification from the City or else they will be in violation of this section.
- (13) To reduce erosion, all disturbed open space areas shall have ground cover of grass that is installed as sod or seed. Landscape rock is allowed subject to the view of City Staff.
- (14) Any storage area, garbage storage, junk storage or loading docks, and loading areas in any district shall be screened from public street view by a buffer.

G. Garbage Collection Areas. All outdoor garbage collection areas shall be screened from all public rights-of-way and alleys. The screened garbage collection areas shall be of similar building material as the primary building. Trash receptacles for pedestrians’ use are exempt.

H. Mechanical Equipment. All mechanical equipment located on the ground shall be screened from the street and any abutting residential property. Mechanical equipment on roofs shall be completely screened from the ground level of any abutting residentially zoned lot and substantially screened from all adjacent properties. The electric transformer shall be screened.

I. Lighting. The purpose of the lighting standards are to keep unnecessary direct light from shining onto abutting properties or streets:

- (1) All lighting shall be Sodium Halogen or Metal Halide.
- (2) State the wattage for each lighting fixture.

- (3) All lighting fixtures shall be sharp cut-off.
- (4) Show all proposed wall packs on the site plan. All wall packs shall be sharp cut-off.
- (5) The maximum pole height in residential and commercial zones shall be 30 feet.
- (6) The maximum pole height in industrial zones shall be 35 feet.
- (7) All lighting fixtures shall be consistent with the architectural theme of the development.
- (8) Exceptions may be allowed for City Parks, ball fields and other recreational areas.

J. Grading. A grading permit is not required. However, prior to grading any area over one acre in size, the owner shall submit to the City Clerk the erosion control plan and the NPDES permit application.

K. Storm Water Management Standards. Storm water management design shall include grading, surface, and subsurface improvements that result in no increase in the rate of runoff when compared to the undeveloped condition of the area to be developed. The rainfall frequencies that shall be incorporated in the design of the storm water management plan shall include the 5-year and 100-year storm events. The calculations and design of the storm water management plan shall be prepared by an engineer licensed to practice in Iowa.

- (1) The storm water management plans shall be as per the *Urban Design Standards Manual*.
- (2) Storm water detention is required unless otherwise waived by the City Engineer. Developments shall detain for 100-year developed storm event and release at the 5-year undeveloped storm event.
- (3) The storm water management plan shall illustrate the flow path for a storm event which exceeds the 100-year storm event.
- (4) Bio-swales or filtration swales shall be encouraged for all site plans in lieu of subsurface drainage improvements. Surface drainage improvements such as drainage flumes, drainage swales and curb cuts may be allowed if approved by the City Engineer.

L. Fire Protection.

- (1) Buildings shall be required to have fire sprinkler systems according the Building Code.
- (2) Fire hydrants shall be placed to protect buildings on private property. Hydrants shall be positioned to provide a minimum 150-foot radius coverage of the building. The City Engineer and Fire Chief may grant exceptions to this requirement based on size of the building and traffic circulation to the site.
- (3) The size of fire water mains shall be 8-inch unless otherwise approved of by the City Engineer.

M. Sanitary Sewer. Sanitary sewer lines shall be designed so as to not overload existing public utility lines. The City Engineer may require the applicant to submit studies of the sanitary sewer system.

N. Utilities. All electrical, telephone, and cable television transmission shall be placed underground. The Council may allow certain high voltage power lines above ground.

O. Vibrations. Every use shall be operated so that continuous, frequent or repetitive vibrations inherently or recurrently generated may not be perceptible to a person of normal sensitivities on any point of any property line of the lot on which the use is located.

P. Building Design.

(1) Buildings shall have good scale and maintain or enhance the established scale of buildings and sites of neighboring buildings.

(2) Building materials shall provide compatible textures and colors as those of neighboring buildings.

6. Short Form Site Plan. Whenever a person shall place any temporary business structure, building addition less than 3,000 square feet, parking lot addition of no more than 3,000 square feet, grading plan, minor landscape plan or utility extension, said person shall cause to be prepared a short form site plan as otherwise required by this subsection.

A. An applicant shall submit the correct legal description, boundary dimensions, and the identity of the present record owner of the property along with all of the following:

(1) Existing and proposed dimensions of all site improvements and setbacks for property lines.

(2) A clearly written description of the existing and proposed use of the property.

(3) Parking layout (including stall dimensions, aisle widths, driveway widths and locations), sidewalk layout, and pedestrian flow.

(4) A description of any screening and landscaping.

(5) Existing and proposed utilities and easements, including any sanitary in-store sewers.

(6) Nearest fire hydrant.

B. A person submitting a short form site plan need not submit the short form site plan to a separate engineering for certification. Nonetheless, the short form site plan is subject to review by the City Staff and the City Engineer upon the sole discretion of the City Staff.

C. The short form site plan shall be submitted to the City Staff for review and may be referred upon the sole discretion of City Staff and City Engineer for review and comment. The City Staff (and the City Engineer if involved) shall have the authority to approve, reject, or modify the site plan. In the sole discretion of the City Staff, a short form site plan may be referred to the Planning and Zoning Commission.

7. Site Plan Appeals. See Chapter 171.

8. Site Plan Amendments. Any change to an approved site plan shall be approved by the City Staff and City Engineer. Substantial changes to the plan may warrant a re-submittal to the Planning and Zoning Commission.

9. Site Plan Expiration of Approval. All site plan approvals shall expire and terminate 180 days after the date of Council approval unless a building permit has been issued for the construction provided for in the site plan. The Council may, upon written request by the developer, extend the time for the issuance of a building permit for 60 days. In the event the building permit for the

construction provided for in the site plan expires or is canceled, then such site plan approval shall thereupon terminate.

10. Reimbursement of Site Plan Review Expenses. All site plan review expenses incurred by the City, including expenses of the site plan review engineer, shall be billed to the developer or owner requesting the site plan review.

165.07 CHANGES AND AMENDMENTS. The Council may, on its own motion or on petition after public notice and hearing, as provided by law, and after report by the Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established. Any owner or owners of property shall present a petition duly signed and certified, requesting an amendment, supplement, or change in the regulations prescribed for a district or part thereof; and in addition, shall submit a rezoning application and pay an application fee in the sum of fifty dollars (\$50.00). Rezoning application forms may be obtained from the City Clerk. Such petition shall be signed by the owners of at least 50 percent of the area included in such proposed change and by the owners of 50 percent of the property within 300 feet thereof, and said petition shall be filed with the City Clerk, who shall refer it to the Commission. The Commission shall make a report to the Council within 60 days after the date of receipt of such petition. In case the proposed amendment, supplement, or change is disapproved by the Commission, or in case of a protest against any proposed amendment or change signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. (See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)

165.08 MAP REPLACEMENT. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of use, the Council may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, under the following words:

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced), as part of Ordinance No. _____ of the City of Carlisle, Iowa.

165.09 ZONING OF ANNEXED AREAS. Any land annexed to the City after the effective date of these Zoning Regulations shall be zoned R Residential until the Commission and Council shall have studied the area and adopted a final zoning plan for the area in accordance with Sections 165.07 and 165.08 hereof. Said final zoning plan shall be adopted within six (6) months of the date of annexation.

165.10 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of the Zoning Regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator, who shall record properly such complaint, immediately investigate, and take action thereon, as provided in these Zoning Regulations.

165.11 SCHEDULE OF FEES. The City Council shall establish a schedule of fees, charges, expenses, and a collection procedure for certificates, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the City Clerk and be altered or amended only by the City Council.

165.12 ARCHITECTURAL DESIGN REQUIREMENTS.

1. Purpose. This section is intended to:
 - A. Provide for the administration and enforcement of architectural design.
 - B. Establish minimum standards for the design and construction of buildings and related structures in all districts.
 - C. Consider the importance of the quality of architecture and building construction to the preservation and enhancement of building and property values, the prevention of the physical deterioration of buildings, the promotion of the image of the community and the general welfare of the City.
2. General Regulations. As part of the submittal for site plan approval within any zoning district, excluding the R-1a Single-Family Residential District, the R-1 One- and Two-Family Residential District, and single-family homes and two-family structures (duplexes) in the R-2 Medium Density Residential District, architectural plans, including detailed wall and roof elevations and a description of proposed structural and exterior materials, shall be submitted for review and approval by the Planning and Zoning Commission and the City Council.
3. Design Standards.
 - A. Building Orientation. All buildings shall be designed and oriented so as to mitigate the visual and aural impact of their service areas, loading areas, nonresidential overhead doors and similar features on surrounding properties and public rights-of-way.
 - (1) Buildings shall not expose service areas and equipment (transformers, generators, compressors, etc.), loading areas, nonresidential overhead doors, and similar features to the public rights-of-way or to adjacent residential property.
 - (2) If it is not feasible to design and orient service areas and equipment (transformers, generators, compressors, etc.), loading areas, nonresidential overhead doors, and similar features so as not to face a public right-of-way or adjacent residential property, appropriate screening walls or fences with similar design features to the building (material, shape, color, etc.), additional landscape buffering or additional setbacks shall be required.
 - B. Architectural Elements.
 - (1) Buildings other than one- and two-family buildings which are proposed in residential districts (utility structures, schools, churches, etc.) shall incorporate residential design elements (pitched roofs, dormers, cupolas, or other similar roof elements) into the building design in order to minimize the aesthetic impact of the nonresidential uses.
 - (2) Buildings proposed in commercial districts that are adjacent to residential developments shall incorporate an articulated roofline, giving emphasis to architectural elements that will help visually divide the mass of a large building into smaller, more identifiable pieces. Flat roof buildings shall be discouraged and shall only be allowed on a favorable recommendation from the Planning and Zoning Commission. Roof and wall elevations in the C-3 Central Business District shall reflect the existing historic community architecture in the district.
 - (3) Commercial buildings shall incorporate architectural design elements, materials, and colors into the side and rear building elevations similar to those used in the front building elevation.

(4) Commercial buildings shall incorporate façade modulation in all building elevations, either by physical offsets or by the use of color, pattern, or texture in order to preserve building scale and reduce the negative aesthetic impact of long, large, expansive wall surfaces.

(5) Roof-mounted mechanical, communications, or other similar equipment shall be screened from public view by the use of parapet walls or other roof structures. If a parapet wall or other roof structure cannot feasibly screen the roof-mounted equipment, point-in-place or other appropriate screening with similar design features to the building, including material, shape, and color shall be required.

C. Exterior Materials Selection.

(1) In R-3 Multi-Family Residential districts, primarily residential construction materials, such as brick, stone, wood, lap siding and architectural shingles, shall be utilized. At a minimum, 25 percent of such materials shall be incorporated into the exterior surfaces, exclusive of glazed surfaces, of each building face.

(2) In C-1 Limited Commercial, C-1a Transitional Commercial/Residential and C-2 Highway Commercial, C-3 Central Business, and C-4 Planned Office/Commercial Park districts, all construction materials shall be dominated by permanence and strength in proportion to the aesthetic characteristics of the building's bulk and shape. At a minimum, in C-1, C-1a and C-2 districts, 60 percent of such materials shall be incorporated into all exterior surfaces, exclusive of glazed surfaces, and in C-3 and C-4 districts, 100 percent of such materials shall be incorporated into all exterior surfaces, exclusive of glazed surfaces. Acceptable materials shall include brick, stone, or other similar substantial material. Pre-cast, tilt-up concrete panels are acceptable, provided additional architectural detailing is provided along the public faces of the building.

(3) The use of metal panels or sheet metal will not be considered an acceptable material for any primary or accessory building in any residential or commercial district. Metal panels may be used on the walls of buildings in M-1, M-2, MM-1 and RM-1 districts that do not face or that are not visible from a public right-of-way. Contrary to the above, standing seam metal colored roofing material may be used in any zoning district.

D. Exterior Colors. The building's exterior color scheme shall utilize primarily muted neutral or earth tone type colors. The primary use of bright, intense, or extreme colors shall be prohibited in all districts, although these colors may be used for specifically approved architectural detailing.

4. Waiver of Requirements. The City Council reserves the right to waive or modify to a lesser restriction any provision or requirement contained in this section in any redevelopment of property within the City, provided there is a favorable recommendation from the Planning and Zoning Commission and provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and the surrounding property. Exceptions will only be considered for those areas where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public.

165.13 COMPREHENSIVE PLAN. The 2009 Comprehensive Plan is hereby adopted as the official Comprehensive Plan of the City. The Comprehensive Plan shall be filed in the office of the City Clerk and shall be identified as the official Comprehensive Plan of the City.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map referred to in Section 165.05 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

[illegible]