

## CHAPTER 165

# ZONING REGULATIONS

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**165.01 SHORT TITLE.** This chapter shall be known and may be cited as “The City of Shueyville, Iowa, Zoning Ordinance.”

**165.02 PURPOSE.** The purpose of this chapter is to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morale, safety, and general welfare in the City.

**165.03 DEFINITIONS.** For the purpose of this chapter certain terms or words used herein shall be interpreted and defined as follows, unless the context requires otherwise. The word “person” includes an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof. The word “lot” includes the words “plat and parcel.” The words “used or occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.” “Structure” means a combination of materials other than a building to form a construction that is safe and stable and includes among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, signs. A “dwelling” is a building with a permanent foundation or crawl space used as living quarters for one or more families, not including auto courts, rooming houses, or tourist homes. The following definitions are for the purpose of administering and enforcing the Zoning Ordinance:

1. “Abutting” means having property or district lines in common.
2. “Access” means a way of approaching or entering a property from a public street.
3. “Accessory building, structure, or use” means a use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land. Example: garage or storage shed.
4. “Administrative official” means the local official responsible for the enforcement of this chapter. Decisions of the official may be appealed to the Board of Adjustment.
5. “Adult entertainment establishment” means any establishment having as all or a portion of its business the offering of entertainment, stocks in trade of materials, scenes, or other presentations characterized by the emphasis on the depiction or

description of sexual activities or the showing of human genitals and / or female breasts. Establishments may include adult book stores, juice bars, topless bars, strip clubs, etc. An adult entertainment establishment as defined herein is not limited to an establishment with a liquor license.

6. “Agriculture” means the use of land for the purpose of raising and harvesting crops; or for the raising, breeding, or management of livestock, poultry, fish, or honeybees; or for dairying, truck gardening, forestry, nurseries, or orchards; for the noncommercial on-farm storage or processing of agricultural products; or for any similar agricultural, horticultural, silvacultural, or aquacultural use. For the purpose of this chapter, farms do not include operations for the disposal of garbage, sewage, rubbish, offal, or rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for the use and consumption of persons residing on the premises.

7. “Alley” means any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation with a width of 20 feet or less.

8. “Alteration, structural” means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

9. “Apartment” means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there is a multiple of these units.

10. “Basement” means that portion of a building which is partly below grade but having more than one-half its height above the average grade of the adjoining ground. For the purpose of this chapter a basement shall not be considered a story unless designed or used for habitable space or business purposes.

11. “Bed and breakfast” means any single-family or multi-family dwelling unit used for the purpose of overnight or temporary lodging wherein meals may also be provided and in which the operator lives.

12. “Board” means the Board of Adjustment as described in Chapter 414.7 of the *Code of Iowa* and this chapter.

13. “Boarding house” means a building other than a hotel or motel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for four or more persons.

14. “Building” means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

15. “Building envelope” means the area of lot which remains after the minimum yard setbacks, height requirements, and open space requirements of this chapter have been complied with.

16. “Building, height of” means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

17. “Building line” means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.

18. “Building, main or principal” means a building in which is conducted the principal use of the lot on which it is situated.

19. “Cellar” means that portion of a building, partially or wholly underground, having half or more than half its clear height below the grade plane. A cellar may be habitable provided proper escape exits and egress windows exist. A cellar shall not be counted as a story.
20. “Communication tower” means a metal structure that is used primarily as a communication antenna or as a communication antenna support structure; a structure for the commercial transmittal or broadcast of radio, television, radar, or microwaves.
21. “Conditional use” means the use allowed in a zoning district after approval has been granted by the Zoning Board of Adjustment according to the provisions set forth in this chapter. A special exception is the same as a conditional use for the purposes of this chapter.
22. “Construction” means that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, or stockpiling of materials on the site shall not constitute construction.
23. “Child day care facility” means a facility in which six or more children are received for part or all of a day for care and/or instruction and approved and licensed by the State of Iowa. The term “child day care facility” includes but is not limited to the following: nursery schools, child care centers, day nurseries, kindergartens, preschools, and play groups.
24. “Deck” means a covered or uncovered platform area projecting from the wall of a building, accessible at or from above grade, and attached to the ground.
25. “District” means a section of the City within which the regulations governing the use of buildings and property are uniform.
26. “ Dwelling unit” means any building or portion thereof which is designed for and used exclusively for residential purposes.
27. “ Dwelling, single-family” means a building designed with accommodations for exclusive occupancy by one family.
28. “ Dwelling, two-family” means a building designed with accommodations in order to be occupied exclusively by two families living independently of each other.
29. “ Family” means one or more persons, related or non-related, occupying a dwelling unit as a single housekeeping organization.
30. “ Family group care home” means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the *Code of Iowa* or as a child foster care facility under Chapter 237 of the *Code of Iowa* to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. “ Family home” does not mean an individual foster care home licensed under Chapter 237 of the *Code of Iowa*.
31. “ Farm” means an area of not less than 10 acres which is used for the growing of the usual farm products such as vegetables, fruits, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals.
32. “ Fence” means a freestanding structure providing privacy, preventing escape or intrusion, or to redirect a person’s direction of travel. A fence may be constructed of posts, wire, boards, stone, or any standard building materials.

33. “Frontage” means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
34. “Garage, private” means a building, constructed according to the City’s setback regulations, that is subordinate or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on.
35. “Garage, storage” means a building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor driven vehicles, as distinguished from daily storage furnished transients and personal belongings, and at which motor fuels and oils are not sold, and motor driven vehicles are not equipped, repaired, hired, or sold.
36. “Home occupation” means any occupation or activity carried on within a dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof.
37. “Junk/salvage yard” means any enclosed or fenced-in lot or portion thereof where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled, or handled, including the dismantling or wrecking of automobiles or other machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.
38. “Kennel” means an establishment where small animals are bred, raised, trained, groomed, and boarded for compensation, sale, or other commercial purposes.
39. “Landscape buffer” means any landscape designed with an earth berm and predominant plantings of evergreen type trees, shrubs, and plants so as to ensure a year-round solid and impenetrable screen. The height and density of the plantings shall be adequate to ensure effectiveness.
40. “Lot” means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.
41. “Lot, corner” means a lot abutting upon two or more streets at their intersection.
42. “Lot, depth of” means the average horizontal distance between the front and rear lot lines.
43. “Lot, double frontage” means a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
44. “Lot, interior” means a lot other than a corner lot.
45. “Lot lines” means the lines bounding a lot as defined herein:
- A. Front Lot Line. In the case of an interior lot, the front lot line is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, “front lot line” means that line separating said lot from that street which is designated as the front street in the plat.

- B. Rear Lot Line. The rear lot line is that lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear or triangular shaped, the rear lot line shall be an imaginary line parallel to the front lot line not less than 10 feet long farthest from the lot line and wholly within the lot.
- C. Side Lot Line. A side lot line is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
46. “Lot of record” means a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder.
47. “Lot width” means the width of a lot measured at the building line and at right angles to its depth where the minimum building line or setback intersects the side lot lines.
48. “Lot, reversed corner” means a corner lot, the rear of which abuts the side of another lot.
49. “Main building” means a building in which is conducted the principal use of the lot upon which it situated.
50. “Main use” means the principal use to which the premises are devoted and the principal purpose for which the premises exists.
51. “Manufactured home” means a factory-built dwelling, which is manufactured or constructed under the authority or 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the *Federal Manufactured Home Construction and Safety Standards* is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling as is provided in *Code of Iowa*, Section 435.26. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.
52. “Mobile home” means a vehicle without motive power used, or so originally constructed as to permit being used, as a conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, capable of dwellings, or sleeping quarters and which is being moved, towed, or transported by another vehicle. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation.
53. “Mobile home park” means any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored whether free of charge or for revenue purposes and intended for such use and shall include any building, structure, tent, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
54. “Mobile home converted to real estate” means a mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, rendering it totally immobile, and which has been inspected by the assessor, the mobile

home vehicle title, registration, and license plates collected from the owner, and the property entered upon the tax rolls of Johnson County.

55. “Nonconforming building” means a building or portion thereof which lawfully does not conform to the provisions of this chapter relative to height, bulk, area, or yard size requirements for the district in which it is located.

56. “Nonconforming use” means a use which occupied a building or land but lawfully does not conform to the use regulations of the district in which it is located.

57. “Open space” means the land area of a site not covered by buildings, rights-of-way, parking structures, or accessory buildings, except recreational structures, and which is available to all occupants of units for whose use the space is intended.

58. “Parking space” means a surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet permanently reserved for the temporary storage of vehicles and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for vehicles.

59. “Plan” means the Land Use Plan of the City.

60. “Principal use” means the primary use of land or structures as distinguished from secondary or accessory use. For example, a house is a principal use in a residential area; a garage or pool is an accessory use.

61. “Private,” in reference to a building, structure, utility, facility, or use, means owned by someone other than a unit of government, or an agency of government, unless the context clearly indicates that “private” is being used in a broader sense of something not open or available to the general populace.

62. “Public,” in reference to a building, structure, utility, facility, or use, means owned and/or operated by a unit of government or an agency thereof, unless the context clearly indicates that “public” is being used in the broader sense of something available to the general populace.

63. “Setback” means the distance required to obtain the front, side or rear yard open space provisions of this chapter.

64. “Sign” means any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification. Signs include both display area and attached support devices.

A. “Sign, on-premises” means an advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

B. “Sign, off-premises” means an advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: on-premises signs, directional or other official sign, or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)

- C. “Temporary signs” means legal temporary signs designed and intended to be displayed for a short period of time. Temporary signs shall include: political, real estate, construction, and garage sale signs.
65. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
66. “Story, half” means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story, except that any partial story used for residence purposes, other than for janitor or caretaker or his/her family, or by a family occupying the floor immediately below it, shall be deemed a full story.
67. “Street” means an approved public or private thoroughfare which provides the principal means of vehicular access to abutting property and/or for vehicular passage.
68. “Structure” means anything constructed or erected, the use of which requires more or less permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, gazebos, fences, towers, ground-based satellite dishes, buildings and solar collectors.
69. “Variance” means a modification of the literal provisions of this chapter which would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The authority to grant variances is vested in the Board of Adjustment pursuant to Chapter 414 of the *Code of Iowa*.
70. “Yard” means an area between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building line shall be used.
71. “Yard, front” means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where owner shall elect to front the building on a street parallel to the lot line having the greater dimension.
72. “Yard, rear” means a yard extending across the rear of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building line or any projections thereof other than the projections of uncovered steps. On all lots the rear yard shall be in the rear of the front yard.
73. “Yard, side” means a yard between the main building line and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building line other than the projections of uncovered steps.

**165.04 APPLICABILITY OF REGULATIONS.** Except as otherwise specifically provided by this chapter:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.

2. No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, side yards, front yards, inner or outer courts, than are specified herein for the district for which such building is located, including accessory buildings and structures.
3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
4. No building or buildings shall be erected, moved, altered, used, or occupied in a district for purposes or uses other than are allowed herein for that district.
5. All residential dwellings constructed or placed on a lot or parcel of land in the City shall be built on, or placed on, and appropriately secured to, a permanent foundation.
6. No more than one principal use shall be allowed upon any lot.



**165.05 CLASS R-1 DISTRICT – SINGLE-FAMILY RESIDENTIAL.**

1. The areas designated and shown on the zoning map of the City, a certified copy of which is on file in the office of the Clerk, shall be zoned Class R-1.
2. The following uses shall be allowed in any Class R-1 District:
  - A. Single-family dwelling units.
  - B. Churches, places of worship, and parochial schools.
  - C. Public schools, public libraries, parks and playgrounds.
  - D. Small home occupations provided there shall be no signs or other evidence of such use.
  - E. Other accessory uses in buildings provided such uses are incidental to the principal use and do not include any activity conducted as a business.
  - F. Other uses, which in the opinion of the Board of Adjustment, are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
3. The following regulations shall apply to any structure, building, or dwelling constructed or altered in any Class R-1 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Single-family dwelling	1 acre	100 feet (w) 100 feet (d)	30 feet	20 feet	30 feet	2½ stories or 37.5 feet
Other uses	2 acres	100 feet (w) 100 feet (d)	30 feet	30 feet	30 feet	2½ stories or 37.5 feet
Accessory uses* (Garages)	N/A	N/A	N/A	20 feet	30 feet	2½ stories or 37.5 feet
Accessory uses* (Storage Sheds)	N/A	N/A	N/A	5 feet	5 feet	18 feet

A. \* No accessory buildings shall be closer than 10 feet from the Main Building and shall not be greater than 30 percent of the rear yard.

A. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure including accessory buildings and parking areas, shall cover more than 40 percent of the area of the lot. If more than one lot is used the percentage shall be computed on the combined size of the lots.

- B. Size of Structure. No house shall be built having less than 1,500 square feet of floor area living space in a multi-story dwelling, nor less than 1,200 square feet of living space in a one-story dwelling.
- C. Garages Required. Minimum one stall.

**165.06 CLASS R-2 DISTRICT – OLD TOWN SINGLE-FAMILY RESIDENTIAL.**

1. The areas shown on the zoning map of the City, a certified copy of which is on file in the office of the Clerk, designated R-2, shall be zoned Class R-2.
2. The same uses permitted in a Class R-1 District will be permitted in an R-2 District.
3. The following regulations shall apply to any structure, building, or dwelling constructed or altered in a Class R-2 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Single-family dwelling	6,000 square feet	50 feet (w) 100 feet (d)	30 feet	10 feet	30 feet	2½ stories or 37.5 feet
Other uses	2 acres	100 feet (w) 100 feet (d)	30 feet	30 feet	30 feet	2½ stories or 37.5 feet
Accessory uses* (Garages)	N/A	N/A	N/A	10 feet	30 feet	2½ stories or 37.5 feet
Accessory uses* (Storage Sheds)	N/A	N/A	N/A	5 feet	5 feet	18 feet

A. \* No accessory buildings shall be closer than 10 feet from the Main Building and shall not be greater than 30 percent of the rear yard.

A. Percentage of Lot Covered by Buildings, Dwellings, and Other Structures. No dwelling or other structure, including accessory buildings and parking areas, shall cover more than 50 percent of the area of the lot. If more than one lot is used the percentage shall be computed on the combined size of the lots.

B. Yards, Courts and Open Spaces. Each lot shall have a front and rear yard in conformity with neighboring houses or as stated in the above table.

C. Size of Structure. No house shall be built having less than 1,200 square feet of floor area living space in a multi-story dwelling, or less than 900 square feet of living space in a one-story dwelling.

D. Garages Required. Minimum one stall.

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**165.07 CLASS R-3 DISTRICT – TWO-FAMILY RESIDENTIAL.**

1. The districts shown on the City zoning map and designated Class R-3 shall be zoned Class R-3.
2. The following uses shall be allowed in any Class R-3 District:
  - A. All uses permitted in any Class R-1 District.
  - B. Two-family dwellings (duplexes.)
3. The following regulations shall apply to any structure, building, or dwelling constructed or altered in a class R-3 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Single-family dwelling	1 acre	100 feet (w) 100 feet (d)	30 feet	20 feet	30 feet	2½ stories or 37.5 feet
Two-family dwelling	2 acres	100 feet (w) 100 feet (d)	30 feet	30 feet	30 feet	2½ stories or 37.5 feet
Accessory uses	N/A	N/A	N/A	20 feet	30 feet	2½ stories or 37.5 feet
Other uses	See Class R-1					

4. **Open Space Requirements.** No dwelling or other structure including accessory buildings and parking areas, shall cover more than 40 percent of the area of the lot. If more than one lot is used the percentage shall be computed on the combined size of the lots.
5. **Parking Space.** One space per number of bedrooms, but not less than two spaces per unit.
6. **Garages Required.** Minimum one stall per dwelling unit.
7. **Special Requirements.** When ownership of each single-family unit of a two-family dwelling unit is to be separate or divided, the following requirements shall be met:
  - A. A two-family dwelling unit shall consist of two laterally attached dwelling units with each unit having a separate access and separate utilities services including gas, water, sewer, and electricity.
  - B. The division of the lot or parcel into two parcels shall be in such a manner as to result in one single-family dwelling unit being located on either side of a common boundary line with the common wall between the two laterally joined single-family dwelling units being on said common boundary line.

8. Site Plan Required. All two-family proposals shall be required to submit a site plan for the Planning and Zoning Commission's review and City Council's approval. The site plan shall include the following:
- A. Legal property owners name and description of property including requested land use and zoning.
  - B. Property boundary lines, dimensions and total area.
  - C. Contour lines at intervals of not more than one foot.
  - D. The proposed location, size, shape, color, and material type of all buildings or structures. Building design should be visually harmonious and compatible with the neighborhood character.
  - E. Existing buildings, rights-of-way, streets, utilities (overhead or underground), easements, drainage courses, vegetation and large trees, etc.
  - F. Location and type of all plants, grass, trees, or ground cover to be used in the landscape.
  - G. Walls, fences, or other artificial screens to be used as buffers shall be shown in elevation and color prospective with proposed height and structural material to be used indicated.
  - H. All required yard setbacks.

**165.08 CLASS RPUD DISTRICT – RESIDENTIAL PLANNED UNIT DEVELOPMENT.**

1. Intent. The RPUD District is intended and designed to provide a means for the development of large tracts of land on a unit basis, allowing greater flexibility and building locations than the conventional single lot method provided in other sections of this chapter.
2. Procedure. The owner or owners of any tract or tracts of adjoining land comprising an area not less than five acres, may submit to the Planning and Zoning Commission for review and City Council for approval a request to change to the RPUD zoning district classification. The request shall be accompanied by a site plan for the use and development of the entire tract of land. The Planning and Zoning Commission may recommend approval of the site plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of this chapter to promote the public health, safety, morals and the general welfare, or disapprove of the plan if it does not substantially conform with the requirements of this chapter or the Comprehensive Plan. The site plan as approved by the Commission shall then be sent to the City Council, whereupon the City Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purposes of this chapter.
3. RPUD Site Plan Required. The site plan shall include in detail the location of all proposed:
  - A. Buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each. Building design should be visually harmonious and compatible with the neighborhood character.
  - B. Parking areas.
  - C. Access drives.
  - D. Streets abutting or within the proposed development.
  - E. Sidewalks or trails.
  - F. All proposed walls or fences.
  - G. Location and type of all plants, grass, trees, or ground cover to be used in the landscape.
  - H. Common land, recreation areas, and parks.
  - I. Existing and proposed utilities and public easements.
  - J. Property boundary lines, dimensions and total area.
  - K. Contour lines at intervals of not more than one foot.
4. Special Requirements. The site plan shall be accompanied by the following documents:
  - A. If the proposed development includes common land which will not be dedicated to the City, and the proposed development will not be held in single ownership, proposed by-laws of a homeowner's association fully defining the functions, responsibilities, and operating procedures of the association shall be included.

- B. Covenant to run with the land, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks or trails, common land, parks, and plantings which have not been dedicated to the City in compliance with the City ordinances.
- C. Any additional agreements required by the Council at the time of preliminary plat approval.
5. Permitted Uses and Structures. Permitted land uses, lot area, yard, and height requirements shall be as set out below, which shall prevail over conflicting requirements of this chapter.
- A. Buildings shall be used only for two-family (duplex) residential purposes; occupant garages, occupant storage and similar accessory uses; noncommercial recreational facilities; and community activities including churches and schools.
- B. The minimum lot and yard requirements of the zoning district in which the development is located shall not apply, except that individual buildings shall be no closer than 30 feet to the boundaries of the development. Individual buildings shall not be placed any closer than 30 feet to each other, at their closest point of contact. The Council may require open space or screenings be located along all or a portion of the development boundaries.
- C. The density of the RPUD shall be the equivalent of two units per every 1.333 acres.
- D. Any land gained within the development because of the reduction in lot sizes, below minimum zoning ordinance requirements, shall be placed in common land to be dedicated to the City or retained in private ownership to be managed by a homeowner's association. "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the development, or to land dedicated to the general public.
- E. No dwelling unit shall be built having less than 1,500 square feet of floor area living space in a multi-story dwelling, nor less than 1,200 square feet of living space in a one-story dwelling; this equates to a structure of 3,000 square feet of floor area living space in a multi-story structure, and 2,400 square feet of living space in a one-story structure.



**165.09 CLASS C-1 DISTRICT – COMMERCIAL.**

1. The districts shown on the City zoning map and designated Class C-1 shall be zoned Class C-1.
2. The following uses shall be allowed in any Class C-1 District:
  - A. Stores and shops for conducting any lawful retail business.
  - B. Personal service shops.
  - C. Banks, theaters, offices, restaurants and taverns.
  - D. Garages and filling stations upon the approval of the Board of Adjustment and subject to such conditions and safeguards as deemed appropriate by such board.
  - E. Wholesale businesses.
  - F. Post offices, plumbing shops, police and fire departments, stations, and telephone offices.
  - G. Residential uses above properties zoned C-1 and C-2.
  - H. Those which in the opinion of the Planning and Zoning Commission are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
3. Adult entertainment establishments may be allowed in any Class C-1 District providing they meet the following regulation: Any adult entertainment establishment must be located 2,640 feet (1/2 mile) from any residential dwelling, church, park, or daycare within the City.
4. The following regulations shall apply to any structure or building constructed or altered in any Class C-1 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Commercial use	25,000 square feet	100 feet (w) 100 feet (d)	30 feet	25 feet	30 feet	2½ stories or 37.5 feet

- A. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure including accessory buildings and parking areas, shall cover more than 70 percent of the area of the lot.
- B. Minimum Parking Requirements. Off-street parking for each use permitted in this chapter shall not be less than what is found in the following table. Any fractional parking space shall be computed as a whole space. The Planning and Zoning Commission may recommend approval by City Council less off-street parking when a proponent of a use demonstrates that, because of special circumstances involved with a particular use, it is obvious that the off-street parking required by this code exceeds any reasonable need.

Use in C-1 District*	Number of Off-Street Parking Spaces Required
Convenience store	1 per 300 gross square feet plus 1 per employee
Professional office	1 per 200 gross square feet
Retail Business	1 per 200 gross square feet
Restaurant, tavern, night club, bar	1 per 100 gross square feet
Dance hall	1 per 100 gross square feet
Warehouse	1 per 2,000 gross square feet plus 1 per employee
Place of worship	1 per every 10 seats provided
Schools	1 per 3.5 seats in assembly rooms plus 1 per faculty member
<p>* Other uses which, in the opinion of the Planning and Zoning Commission and City Council, are of the same general character as those listed herein and which will not be detrimental to the district they are located in shall be required to utilize the equivalent number of off-street parking spaces as that of the similar use listed herein.</p> <p>Note: Gross square feet is measured for the portion of the site utilized for the use, storage yards and outbuildings, if applicable.</p>	

- (1) Location. The parking spaces required by this chapter shall be provided on the same lot as the use.
- (2) Size. Each parking space shall be at least nine feet by 19 feet.
- (3) Surface Material. All off-street parking areas shall be paved with asphalt or Portland cement concrete pavement as approved by the City Engineer, and shall be so graded and drained to dispose of all surface water accumulation within the area.
- (4) Screening. If a commercial parking space abuts a residential district, the adjoining lot line shall be buffered as defined herein and approved by the Planning and Zoning Commission and City Council. Buffering shall consist of landscaping and berming as defined herein. In addition, adequate screening of loading docks, outside storage areas, garbage dumpsters, HVAC units, etc. shall be required.

C. Minimum Off-Street Loading. Any building or part thereof erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, retail or wholesale store, or other similar use which require the receipt or distribution by vehicles of merchandise or material, there shall be provided and maintained on the same lot with such building at least one off-street loading space and for multiple tenant commercial/retail centers, one additional such loading space for each 20,000 square feet of gross floor area in excess of 10,000 square feet, provided that the total number of loading spaces is not required to be more than the total number of tenants. Each loading space shall meet the following standards:

- (1) Each loading space shall not be less than 10 feet in width and 20 feet in length for those spaces not requiring loading dock access, and 50 feet in length for loading dock access for trucks.
- (2) Such loading area shall meet all required setbacks.

(3) Loading areas shall be buffered from the general public view, as approved by the Planning and Zoning Commission and City Council.

(4) All loading areas shall be paved with asphalt or Portland cement concrete pavement as approved by the City Engineer.

D. Site Plan Required. All commercial proposals shall be required to submit a site plan for the Planning and Zoning Commission's review and City Council's approval. The site plan shall include the following:

(1) Legal property owners name and description of property including requested land use and zoning.

(2) Property boundary lines, dimensions and total area.

(3) Contour lines at intervals of not more than one foot.

(4) The proposed location, size, shape, color, and material type of all buildings or structures. Building design should be visually harmonious and compatible with the neighborhood character.

(5) Existing buildings, rights-of-way, streets, utilities (overhead or underground), easements, drainage courses, vegetation and large trees, etc.

(6) Location and type of all plants, grass, trees, or ground cover to be used in the landscape.

(7) Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and color prospective with proposed height and structural material to be used indicated.

(8) All required yard setbacks.

(9) Complete parking plan.

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**165.10 CLASS C-2 DISTRICT – OLD TOWN COMMERCIAL.**

1. The districts shown on the City zoning map and designated Class C-2 shall be zoned Class C-2.
2. The same uses permitted in a Class C-1 District will be permitted in a C-2 District.
3. The following regulations shall apply to any structure or building constructed or altered in any Class C-2 District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Commercial use	7,500 to 24,999 square feet	75 feet (w) 100 feet (d)	20 feet	10 feet*	25 feet	2½ stories or 37.5 feet
*If abutting an R District, the side setback shall be 20 feet.						

4. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure including accessory buildings and parking areas, shall cover more than 70 percent of the area of the lot.
5. Minimum Parking and Off-Street Loading Requirements. Off-street parking for each use permitted in the Zoning Ordinance shall not be less than what is found in the following table. Any fractional parking space shall be computed as a whole space. The Planning and Zoning Commission may recommend approval by the City Council less off-street parking when a proponent of a use demonstrates that, because of special circumstances involved with a particular use, it is obvious that the off-street parking required by this code exceeds any reasonable need.

Use in C-2 District*	Number of Off-Street Parking Spaces Required
Convenience store	1 per 300 gross square feet plus 1 per employee
Professional office	1 per 200 gross square feet
Retail business	1 per 200 gross square feet
Restaurant, tavern, night club, bar	1 per 100 gross square feet
Place of worship	1 per every 10 seats provided
* Other uses which, in the opinion of the Planning and Zoning Commission and City Council, are of the same general character as those listed herein and which will not be detrimental to the district they are located in shall be required to utilize the equivalent number of off-street parking spaces as that of the similar use listed herein.	
Note: Gross square feet is measured for the portion of the site utilized for the use, storage yards and outbuildings, if applicable.	

- A. Location. Every attempt shall be made to provide parking on the same lot as the use. However, due to the limited size of lots in this zoning district, in the event parking spaces cannot be reasonably provided on the same lot as the use, a parking agreement shall be made with an adjacent lot owner. All

agreements shall consider pedestrian safety. All parking agreements shall be approved by the City Council.

B. Size. Each parking space shall be at least nine feet by 19 feet.

C. Surface Material. All off-street parking areas shall be paved with asphalt or Portland cement concrete pavement as approved by the City Engineer, and shall be so graded and drained to dispose of all surface water accumulation within the area.

D. Screening. If a commercial parking space abuts a residential district, the adjoining lot line shall be buffered as defined herein and approved by the Planning and Zoning Commission and City Council. Buffering shall consist of landscaping and berming as defined herein. In addition, adequate screening of loading docks, outside storage areas, garbage dumpsters, HVAC units, etc. shall be required.

E. Off-Street Loading. Any off-street loading required in a Class C-2 District shall be approved by the City Council.

6. Site Plan Required. See Section 165.09(4)(D) in this chapter.

**165.11 CLASS I DISTRICT – INDUSTRIAL.**

1. The districts shown on the City zoning map and designated Class I shall be zoned Class I.
2. The following uses should be allowed in any Class I District: Subject to Subsection 3 of this section, all lawful uses not permitted in any other class or district shall be permitted in any district zoned Class I.
3. Prohibited Uses. All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibrations, or similar substances or conditions and uses that have been declared a nuisance in any court of record are prohibited in any district zoned Class I.
4. Regulations. Lot size, setbacks, and other requirements shall be set by the Board of Adjustment.
5. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No structure, including accessory buildings and parking areas, shall cover more than 70 percent of the area of the lot.
6. Site Plan Required. All industrial proposals shall be required to submit a site plan for the Planning and Zoning Commission's review and City Council's approval. The site plan shall include the following:
  - A. Legal property owners name and description of property including requested land use and zoning.
  - B. Property boundary lines, dimensions and total area.
  - C. Contour lines at intervals of not more than one foot.
  - D. The proposed location, size, shape, color, and material type of all buildings or structures. Building design should be visually harmonious and compatible with the neighborhood character.
  - E. Existing buildings, rights-of-way, streets, utilities (overhead or underground), easements, drainage courses, vegetation and large trees, etc.
  - F. Location and type of all plants, grass, trees, or ground cover to be used in the landscape.
  - G. Walls, fences, or other artificial screens to be used as buffers shall be shown in elevation and color prospective with proposed height and structural material to be used indicated.
  - H. All required yard setbacks.
  - I. Complete parking plan.
7. Parking. One space per 500 gross square feet of building space.
  - A. Screening. If an industrial parking space abuts a residential district, the adjoining lot line shall be buffered as defined herein and approved by the Planning and Zoning Commission and City Council. Buffering shall consist of landscaping and berming as defined herein. In addition, adequate screening of loading docks, outside storage areas, garbage dumpsters, HVAC units, etc. shall be required.

- B. Location. The parking spaces required by this code shall be provided on the same lot as the use.
- C. Size. Each parking space shall be at least nine feet by 19 feet.
- D. Surface Material. All off-street parking areas shall be paved with asphalt or Portland cement concrete pavement as approved by the City Engineer, and shall be so graded and drained to dispose of all surface water accumulation within the area.



**165.12 CLASS A DISTRICT – AGRICULTURAL.**

1. Agricultural District zoning is intended to maintain and enhance agricultural operations and preserve agricultural lands utilized for crop production or the raising of livestock. The preservation of agricultural land is intended to prevent urban sprawl, control the public costs of providing urban services, and reduce urban/rural conflicts which arise as a result of premature development of rural areas. The district is further intended to preserve open space and natural resource areas.
2. The following uses shall be allowed in any Class A District:
  - A. Agriculture, horticulture, dairy farming, poultry farming, livestock farming, general farming, and other agricultural activities.
  - B. Those structures essential to farming operations not otherwise restricted within this chapter.
  - C. Single-family dwellings.
  - D. Parks, playgrounds, and recreation areas
  - E. Home occupations.
3. Conditional Uses. The following special exceptions may be permitted in the Class A District subject to the approval of the Board of Adjustment and any specific conditions and requirements intended to make them compatible with and acceptable to adjacent use.
  - A. Public utilities.
  - B. Recreational development for seasonal or temporary use.
  - C. Roadside stand for sale of produce raised on the premises.
  - D. Dog kennels and dog runs, and stables.
  - E. Greenhouses and plant nurseries operated for commercial purposes.
  - F. Churches, including cemeteries, crematories or mausoleums.
  - G. Bed and breakfast houses.
  - H. Publicly owned and operated buildings and facilities.
4. The following regulations shall apply to any dwelling constructed or altered in any Class A District:
  - A. Density of Population. Lot area should be not less than one acre and lot width shall be not less than 100 feet.
  - B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 40 percent of the area of the lot.
5. Yards, Courts and Open Spaces. Every dwelling in any Class A district shall be required to have a front and rear yard with a minimum of 30 feet before any structure may be erected, and a side yard on each side with a minimum of 20 feet before any structure may be erected.
6. Size of Structure. No house shall be built having less than 1,500 square feet of floor area living space in a multi-story dwelling, or less than 1,200 square feet of living space in a one-story dwelling.

7. The following regulations shall apply to any structure or building other than dwelling unit constructed or altered in any Class A District:

A. Lot Area. Lot area should be not less than five acres and lot width shall be not less than 200 feet. No more than one principal use shall be placed upon any lot of the above size.

B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 40 percent of the area of the lot.

C. Yards, Courts and Open Spaces. Every dwelling in any Class A District shall be required to have a front and rear yard with a minimum of 50 feet before any structure may be erected, and a side yard on each side with a minimum of 30 feet before any structure may be erected.

**165.13 CLASS P DISTRICT – PUBLIC USE.**

1. It is intended that the Public Use District provide reference on the zoning map to public uses of land. Thus land owned by the City of Shueyville, United States Federal Government, the State of Iowa, Johnson County, the School District, and area churches will be designated Public Use. This district is also intended to provide for park and recreation areas, water conservation districts, erosion control, protection of wildlife habitat, protection of natural drainage ways and steep slopes, wetlands, and to generally provide for ecologically sound land use of environmentally sensitive areas.
2. The following uses shall be allowed in any Class P District:
  - A. Use of land, buildings or structures of the aforementioned governmental entities or political subdivisions thereof.
  - B. Agriculture and undeveloped and unused land in natural condition..
  - C. Public parks and other recreational open space.
  - D. Churches, places of worship and cemeteries.
  - E. Flood control structures.
3. The following regulations shall apply to any structure or building constructed or altered in any Class P District:

Use	Minimum Lot Area	Minimum Lot Width And Depth	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
Public use	25,000 square feet	100 feet (w) 100 feet (d)	30 feet	25 feet	30 feet	2½ stories or 37.5 feet

- A. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No structure, including accessory buildings and parking areas, shall cover more than 70 percent of the area of the lot.

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**165.14 SIGN REGULATIONS.** The following regulations shall apply to all zoning districts:

1. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle. No sign may obstruct the view of any roadway so as to render dangerous the use of the roadway.
2. No advertisement or advertising structure shall be posted, erected, or maintained which simulates any official, directional, or warning sign erected or maintained by the State, County, Municipal, or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
3. Signs shall not encroach or extend over public right-of-way.
4. No advertisement shall be posted or maintained on fences, trees, or other perennial plants.
5. No advertisements shall be allowed on, or attached to, a vehicle or trailer parked on public or private property. The prohibition of this section does not prohibit the identification of a firm or its principal product operating during the normal course of business or being taken home. In addition, the prohibition of this section does not prohibit the sales or rental of vehicles or trailers parked on public or private property with advertising of the sale on or attached to said vehicles or trailers.
6. All signs shall be non-flashing and non-strobing, and they shall not contain rotating, oscillating, or revolving beams or other similar types of light transmission. Scrolling text is allowable.
7. All signs shall be kept in good repair. Repairs shall be made within 30 days of damage to said sign.
8. Signs bearing only property numbers, postal box numbers, names of occupants of premises, private parking, or other identification of premises are permitted within all districts and shall not exceed two square feet in area. E911 signs and numbers are specifically excluded from this section.
9. The surface area of all signs regulated within this section shall not include any supporting structures or bracing that are not intended to be part of the sign. For example, any pole or brace that supports the sign but does not contain lettering, logos, or information shall be excluded from the square foot requirements.
10. An on-premises sign is any sign advertising or identifying a product, service, business, or activity sold, located, or conducted on the premises where the sign is located.
11. An off-premises sign is any sign advertising a product, service, business, or activity sold, located, or conducted elsewhere than on the premises on which the sign is located.
12. An attached sign is any sign advertising a product, service, business, or activity sold, located, or conducted that is attached to the building on which the sign is advertising.
13. A detached sign is any sign advertising or identifying a product, service, business, or activity sold, located, or conducted on the premises where the sign is located but not attached to any building.

14. The following regulations shall apply to all A, R-1, R-2, R-3, and PUD zoning districts:

A. Signs Not Permitted. Off-premises and detached signs are not permitted, except for temporary signs such as political, real estate, garage sale, and certain construction signs, as specified in this paragraph. Political signs shall conform to State law. Real estate signs shall be removed upon the closing of the sale of the property. Construction signs relating to the vendor and services provided for the construction or remodeling of a dwelling unit on the premises shall be permitted during the time of construction and shall be removed upon project completion. All allowed temporary signs shall be located within the front yard. The total square feet of surface area of all temporary signs on any one property shall not exceed 32 square feet.

B. Front Yard Setbacks. All signs shall be set back from the property line as follows:

- (1) All R Districts: no requirement.
- (2) All A Districts: 20 feet

C. Height Requirements. All signs shall be no higher than the following:

- (1) All R Districts: 5 feet
- (2) All A Districts: 25 feet

D. Parade Home Signs. Parade home signs are specifically excluded from this section.

15. The following regulations shall apply to all C and I zoning districts:

A. Permitted Signs. Off-premises, on-premises, attached and detached signs are permitted as follows.

(1) On-premises and detached signs shall not exceed 100 square feet in area. Attached signs shall not exceed 75 square feet and shall be attached to the structure being advertised. On-premises and detached signs shall not be within 30 feet of any residential district or use.

(2) Off-premises signs are allowed in all C and I zoning districts and shall not exceed 100 square feet in area. Off-premises signs shall not be within 500 feet of any residential district or use. Off-premises signs shall meet all applicable IDOT highway sign requirements.

B. Front Yard Setbacks. All signs shall be set back from the property line as follows:

- (1) All C and I Districts: 10 feet

C. Height Requirements. All signs shall be no higher than the following:

- (1) All C and I Districts: 25 feet

16. The following regulations shall apply to all P zoning districts:

A. Permitted Signs. On-premises, attached and detached signs are permitted as follows.

- (1) On-premises and detached signs shall not exceed 100 square feet in area. Attached signs shall not exceed 75 square feet and shall be attached to the structure being advertised. On-premises and detached signs shall not be within 25 feet of any residential district or use.
  - (2) No off-premises signs are allowed in P zoning districts.
  - B. Front Yard Setbacks. All signs shall be setback from the property line as follows:
    - (1) All P Districts: 10 feet
  - C. Height Requirements. All signs shall be no higher than the following:
    - (1) All P Districts: 25 feet
17. Application for Permit. All permanent signs shall require a permit. Each application for a sign permit shall be submitted prior to the installation of the sign and shall be approved or denied by the Zoning Administrator. There will be no fee for a sign permit.
18. Grandfather Clause (Nonconforming Signs.) Any sign in existence within the City prior to the effective date of the zoning ordinance, but that does not conform to the provisions of hereof, shall be considered to be nonconforming. Any nonconforming sign shall be permitted to continue in its nonconforming state only provided as follows:
- A. No nonconforming signs shall be relocated or replaced with a new or different sign unless the same complies with the provisions of this chapter.
  - B. Any nonconforming sign associated with a business shall be removed upon the termination on that business, which shall be deemed to have occurred upon the closing of the business for at least 90 days. Seasonal businesses are exempt from this provision.
  - C. A nonconforming sign shall be maintained or repaired only in accordance with the following provisions:
    - (1) The size and structural shape of the sign shall not be changed or altered.
    - (2) The existing text or graphics of the sign may be repainted; however, the total display area shall not be enlarged. The sign may be updated to allow for new technology such as scrolling text or graphics, lighted text or graphics or other new technology that meets all regulations within this section. However, if the sign is updated to allow for new technology, the sign shall then conform to all regulations of this chapter, including surface size and setbacks.
    - (3) In the case where damage or decay occurs to the sign to the extent of 50 percent or more of either the structure or the replacement value of the sign, the sign shall be either removed or brought into compliance with this chapter within 30 days of written notice from the City regarding such damage or decay. Where damage or decay to the sign is less than 50 percent of the structure or its replacement value, the sign may be repaired in keeping with its appearance upon the effective date of the Zoning Ordinance within 60 days of written notice from the City regarding such damage or decay. Otherwise, the sign shall be

removed and brought into compliance with this chapter. The City will consider a nonconforming sign to be damaged or decayed, for purposes of this provision, where: (i) the use of the sign continues despite a lack of reasonable and adequate maintenance resulting in the deterioration of the sign and a blighting influence on nearby properties; (ii) the sign is structurally defective; or (iii) the sign presents a hazard to public safety.

**165.15 ADMINISTRATION AND ENFORCEMENT.** This chapter shall be enforced by the Zoning Administrator. No building permit or certificate of occupancy shall be issued by the Zoning Administrator except where the provisions herein have been complied with.

1. The City Clerk shall be appointed as the Zoning Administrator by the Council for the term of one year and shall have the following powers and duties:

A. The Zoning Administrator or the Council shall issue building permits, when it has been shown to their satisfaction that such proposed building or extension will be in conformity with this chapter, and upon the payment of building permit, said fee shall be deposited in the General Fund of the City. Amount of said permit shall be set by City Council resolution and can be amended from time to time.

B. The Zoning Administrator shall inspect buildings being erected or extended at any time and when the same have been completed and shall issue a certificate of occupancy if the provisions of this chapter have been complied with.

C. The Zoning Administrator, if other than the Clerk, shall receive compensation set by the Council, to be paid from the fees collected for the issuance of building permits.

2. Site Plan Procedure.

A. All two-family, PUD, Commercial, and Industrial proposals shall be required to submit a site plan for the Planning and Zoning Commission's review and City Council's approval. The applicant shall submit 14 copies of the site plan to the Zoning Administrator. They shall be distributed as follows: one to the City Clerk; one to the Mayor; one to the City Engineer; one to the City Planner, five to the Planning and Zoning Commission; and five to the City Council.

B. The Zoning Administrator, City Engineer, and City Planner shall review the Site Plan for conformance of the design to the standards required herein. If necessary, the applicant shall make revisions and resubmit the revised Site Plan to the Zoning Administrator.

C. The Planning and Zoning Commission shall act upon the Site Plan. The City Engineer and Planner shall submit to the Commission their recommendation. Action of the Commission shall be a recommendation of approval, approval subject to conditions, or denial and it shall be forwarded to the City Council.

D. At the next regularly scheduled City Council meeting following Commission action, the Council shall act on the Site Plan and Commission's recommendation. Action of the Council shall be approval, approval subject to conditions, or denial.



E. Once approved, the applicant may then proceed with approval of building permit and accompanying material. In case of denial, a Site Plan may be revised by the applicant in accordance with Council action and 14 copies resubmitted to the Commission as before.

F. A Site Plan shall become effective upon certification of approval by the City Council. The approval shall remain valid for one year after the date of approval with the possibility of a one-year extension as approved by the City Council, after which time the Site Plan shall be deemed null and void if the development has not been established or construction commenced.

#### **165.16 BOARD OF ADJUSTMENT.**

1. Board of Adjustment Created. A Board of Adjustment is hereby created. The Board shall consist of three members, each to be appointed by the Council for staggered terms of three years. Vacancies shall be filled by the Council for the unexpired term of any member whose term becomes vacant. The Board shall elect a Chairperson from its membership, and appoint a Secretary. Matters of procedure, powers, and judicial review relating to the Board are regulated by statute.

2. Review by Board of Adjustment. All prohibitions as above provided are subject to review by the Board of Adjustment and an otherwise prohibited use may be permitted if approved by said Board, subject to securing a permit therefor and to such conditions, restrictions, and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals, and general welfare of the community.

3. Compensation. All members of the Board shall be paid \$25.00 per meeting, payable quarterly.

#### **165.17 NONCONFORMING USES.**

1. The lawful use of any building or land existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter.

2. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this chapter.

#### **165.18 FEES.**

1. The applicant shall be responsible for just and reasonable costs incurred by the City for review of all matters pertaining to this ordinance deemed necessary by the City to ensure proper conformance.

2. Therefore, the City Council shall establish a schedule of fees, charges and expenses for all matters pertaining to this chapter. The schedule of fees shall be posted and may be amended from time to time by City Council resolution.

3. No action shall be taken on any application or appeal until all applicable fees, charges, or expenses have been paid by the applicant in full.

#### **165.19 SOLAR ENERGY SYSTEMS.**

1. Intent. The intent of the regulations of this section is to balance the need for clean, renewable energy resources with the need to protect the public health, safety and

welfare. The regulations of this section are found to be necessary to ensure that solar energy conversion systems are appropriately designed, sited and installed.

2. Definitions. For use in this section, the definitions as set forth in the Shueyville Code and the *2015 International Solar Energy Provisions*, both as may be amended from time to time shall be controlling:

A. “Solar energy system (SES)” means an aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters and accessory equipment such as utility interconnect and battery banks, in such configuration as necessary to convert radiant energy from the sun into mechanical or electrical energy.

B. “Large solar energy system (LSESV)” means a solar energy system that has a nameplate rated capacity of over fifteen kilowatts in electrical energy or fifty KBTU of thermal energy for non-single-family residential uses and districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered an LSES only if it supplies electrical power to thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

C. “Small solar energy system (SSES)” means a solar energy system that has a nameplate rated capacity of up to fifteen kilowatts in electrical energy or fifty KBTU of thermal energy for residential uses and districts and that is incidental and subordinate to a principal use on the same parcel. A system is considered an SSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

D. “Solar energy system, building mounted” means a SES that is securely fastened to any portion of a building roof, whether attached directly to a principal or accessory building.

E. “Solar energy system, ground mounted” means a SES that is not located on a building and is installed on the ground.

F. “Total system height for building mounted system” means the height above roof surface measured perpendicular to the roof specific to the installation on a sloped roof or the height above the roof surface specific to the installation on a flat roof.

G. “Total system height for ground mounted system” means the height above grade from the highest point, including the supporting structure, related equipment, and the collector panels. Adjustable angle systems shall be measured from the highest point when the system is at its maximum vertical extension.

- H. “Off grid” means an electrical system that is not connected to a utility distribution grid.
- I. “Solar access” means a property owner’s right to have sunlight shine on his land.
- J. “Solar energy” means radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.
- K. “Solar energy system, building integrated” means a solar photovoltaic system that is constructed as an integral part of a principal or accessory building and where the collector component maintains a uniform profile or surface with the building’s vertical walls, window openings, and roofing. Such a system is used in lieu of an architectural or structural component of the building. A building integrated system may occur within vertical facades, replacing glazing or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. To be considered a building integrated solar energy system, the appearance of the collector components must be consistent with the surrounding materials.
- L. “Utility scale solar energy system” means a solar energy system that supplies electrical power or thermal energy solely for use by off-site consumers.
- M. “Kilowatt” (kW) is equal to 1,000 watts.
- N. “Watt” (W) is the International System of Unit’s standard unit of power, the equivalent of one joule per second.
3. Permitted SES. The following solar energy systems (SES) are permitted in all zoning districts within the City of Shueyville, subject to the stated limitations:
- A. A building integrated system.
  - B. A building mounted system attached to the roof of an accessory or primary structure.
  - C. A ground mounted system as an accessory use or structure to a primary structure.
  - D. Large solar energy systems (LSES) are not allowed in residential zones.
  - E. Utility scale solar energy systems are not allowed.
4. Building Permit Required. It shall be unlawful to construct, erect, install, alter or locate any solar energy system (SES) within the City of Shueyville, unless approved with a building permit. The application for building permit shall include:
- A. A site plan showing the location of the system on the site, the area of the base of the system and the total height of the system;
  - B. Standard drawings, specifications of system components, and dimensional representations of the system and all its parts, including the supporting frame and footings;
  - C. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the *National Electrical Code*; and

- D. For systems to be mounted on existing buildings, an engineering analysis showing sufficient structural capacity of the receiving structure to support the SES per the applicable code regulations, certified by an Iowa licensed professional engineer.
5. Compliance with All Governmental Regulations. The owner/operator of the SES shall obtain any other permits required by other federal, State and local agencies/departments prior to erecting the system.
6. Installation and Inspection. Installation shall be subject to inspection by a Johnson County Building Inspector. Installation must be done according to manufacturer's recommendations. All work must be completed according to the applicable building, fire and electric codes. All electrical components must meet code recognized test standards.
7. Color. The color of the support base of the SES shall be a neutral color. All surfaces shall be non-reflective to minimize glare that could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface material, placement or orientation of the system, and if necessary, adding screening to block glare.
8. Lighting. No lighting other than required safety lights or indicators shall be installed on the SES.
9. Signage. No advertising or signage other than the manufacturer's identification logo shall be permitted on the SES.
10. Maintenance. The SES shall be well maintained in an operational condition that poses no potential safety hazard. Should the SES fall into disrepair and be in such dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the SES may be deemed a public nuisance and will be subject to abatement as such.
11. Displacement of Parking Prohibited. The location of the SES shall not result in the net loss of minimum required parking.
12. Utility Notification. No SES that generates electricity shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.
13. Interconnection. The SES, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.
14. Restriction On Use of Energy Generated. An SES shall be used exclusively to supply electrical power or thermal energy for on-site consumption, except that excess electrical power generated by the SES and not presently needed for onsite use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.
15. Shutoff. A clearly marked and easily accessible shutoff for any SES that generates electricity will be required as determined by the Johnson County Building Inspector.
16. Electromagnetic Interference. All SESs shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SES is

causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting an SES may be revoked if electromagnetic interference from the SES becomes evident.

17. Solar Access Easements. The enactment of this section does not constitute the granting of an easement by the City. The owner/operator may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the sun is provided by the site. Such covenants, easements, or similar documentation is the sole responsibility of the owner/operator. Should the owner/operator pursue a solar access easement, the extent of the solar access should be defined and the easement document executed in compliance with the regulations contained in Iowa Code Chapter 564A (access to solar energy).

18. Removal. If the SES remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, collector panels and related equipment from the property excluding foundation. Should the owner/operator fail to remove the system, the SES will be considered a public nuisance and will be subject to abatement as such.

19. Nonconforming Systems. An SES that has been installed on or before the effective date of this section and is in active use and does not comply with any or all of the provisions of this section shall be considered a legal nonconforming structure under the provisions of the Zoning Ordinance.

20. Unsafe Condition. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any SES or associated building or structure, or any part thereof, declared to be unsafe by the appropriate authority.

21. Bulk Regulations.

A. Location.

(1) No more than one SES may be placed on any zoned lot unless otherwise specifically approved by the City Council.

(2) No SES shall be constructed within twenty feet laterally from an overhead electrical power line, excluding secondary electrical service lines or service drops.

(3) Ground Mounted SES.

a. No part of an SES shall be located within or over drainage, utility or other established easements, or on or over property lines.

b. The SES shall be located in accordance with the regulations for accessory use on structures in Zoning Code or not less than one foot from the property line for every one-foot of the system height measured at its maximum height, whichever is most restrictive.

c. An SES shall not be located in the front yard setback.

d. An SES shall not be located in any required buffer or setback as set forth in Zoning Code.

e. An SES located on a zero-lot line lot shall comply with requirements set forth in Zoning Code and shall not be located in the required 10 ft. side yard.

f. No portion of an SES shall be located closer than 6 feet to the principal building or to any other building or structure on the lot or location. In addition, an SES shall not occupy more than 30% of the rear yard.

g. The setback from underground electric distribution lines shall be at least five feet.

h. No SES shall be located which may obstruct vision between a height of thirty inches and ten feet on any corner lot within a vision triangle of twenty-five feet formed by intersecting street right of way lines.

(4) Building Mounted SES.

a. The SES shall be set back not less than one foot from the exterior perimeter of the roof for every one foot the system extends above the parapet wall or roof surface.

b. Should the SES be mounted on an existing structure that does not conform to current setback requirements, the SES shall be installed to meet the current setback requirements applicable to the structure.

c. The SES shall be designed to minimize its visual presence to surrounding properties and public thoroughfares. Panel arrangement shall take into account the proportion of the roof surface, and panels shall be placed in a consistent manner without gaps unless necessary to accommodate vents, skylights or equipment.

d. Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.

e. The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

(5) Building Integrated SES.

a. No setback required.

b. Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.

B. Height.

(1) Ground Mounted SES. The maximum height of the SES shall not exceed eighteen feet in height as measured from existing grade.

(2) Building Mounted SES.

a. The collector panel surface and mounting system shall not extend higher than eighteen inches above the roof surface of a sloped roof.

b. The collector panel surface and mounting system shall not extend higher than seven feet above the roof surface of a flat roof.

(3) Building Integrated SES. The collector panel shall maintain a uniform profile or surface with the building's vertical walls, window openings, and roofing.

C. Size.

(1) Size of the SES is calculated by measuring the total surface area of the collector panels for the system.

(2) Building Mounted SES. System size will be determined by the available roof area subject to the installation, minus the required setbacks or access pathways.

(3) Building Integrated SES. System size will be determined by the available building surface area subject to the installation, minus the required access pathways.

*(Section 165.19 – Ord. 2023-03 – Sep. 23 Supp.)*

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<b>EDITOR’S NOTE</b>			
<p>Ordinance No. 90 entitled “Shueyville Zoning Map,” adopted July 22, 2010, and amendments thereto 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. The following ordinances have been adopted amending Ordinance No. 90.</p>			
<b>ORDINANCE</b>	<b>ADOPTED</b>	<b>ORDINANCE</b>	<b>ADOPTED</b>
2020-02	4-14-20		
2022-05	11-8-22		

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