



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS CITY COUNCIL
Monday, November 20, 2023 - 6:00 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th St or VIA
ZOOM by registering in advance for this meeting:
<https://us02web.zoom.us/j/7832856334>
After registering, you will receive a confirmation email containing information about joining the meeting.

Notice to the Public: If you would like the supporting documents and information, please call City Hall by noon the day of the meeting. Copies of City Council Agendas are free to the public. In consideration of all, if you have a cell phone, please turn it off or put it on silent ring. The use of obscene and vulgar language, hate speech, racial slurs, slanderous comments, and any other disruptive behavior during the Council meeting will not be tolerated and the offender may be barred by the presiding officer from further comment before the Council during the meeting and/or removed from the meeting.

1. **Call to Order/Roll Call/Pledge of Allegiance**
2. **Approval of the Agenda**
3. **Presentation from MPO**
 - A. MPO Presentation File
4. **Public Forum:** This is time set aside for comments from the public on topics of City business other than those listed on the agenda. No action may be taken. Please come to the podium, state your name and address for the record and keep your comments to no more than 5 minutes.
5. **Consent Agenda:** Any item on the Consent Agenda may be removed for separate consideration.
 - A. Approve Minutes of the Regular Council Meeting on November 6, 2023
 - B. Approve Payment of Claims
 - C. Approve Financial Reports
 - D. Approve 68th Street Reconstruction Pay Request 6
 - E. Approve Resolution 2023-58 - A Resolution Appointing Carole Tillotson and Paul Walter to the Board of Adjustment
 - F. Approve College Drive Improvements Change Order 005
 - G. Approve College Drive Improvements Pay Request 17
 - H. Approve College Drive Improvements Certificate of Completion
 - I. Approve Street Financial Report FY23
 - J. Approve the TIF Debt Certification Report
 - K. Approve the Urban Renewal Report
 - L. Approve 2024 City Council Meeting Schedule

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law.

- M. Approve Liquor License - Little Brother - 6587 University Ave
- 6. **New Business:**
 - A. Consideration of Entering Into Professional Services Proposal for Space Needs
 - B. Consideration of Code Review Agreement with Simmering-Cory
 - C. Consideration of the First Reading of Ordinance No. 2023-10 - An Ordinance Amending Chapter 183 (Mobile Food Units)
 - D. Consideration of the First Reading of Ordinance No. 20-06 An Ordinance Amending Chapters 165 through 177 of the Code of Ordinances for the City of Windsor Heights Related to Zoning
 - E. Consideration of the Second Reading and Waiving the Third Reading of Ordinance No. 23-09 - An Ordinance Adding Section 60.08.08 (Pedestrian Safety, Use of Medians); and to Adopt and Publish
 - F. Consideration of the Third Reading of Ordinance No. 23-08 - An Ordinance Amending Section 1.12 (Warrants) Regarding Administrative Search Warrants; and to Adopt and Publish
 - G. Review City Council Goals & Discuss Future Planning
- 7. **Reports:**
 - A. Mayor, Council Reports and Committee Updates, and Administration Reports
 - B. Financial Report: FY25 Budget Calendar
 - C. Fire Chief's Report
 - D. Police Chief's Report
- 8. **Adjourn**

The agenda was posted on the official bulletin boards, posted to www.windsorheights.org, and city social media platforms in compliance with the requirements of city ordinances and the open meetings law.



DES MOINES AREA MPO

MPO Member Update: City of Windsor Heights

November 2023

Outline



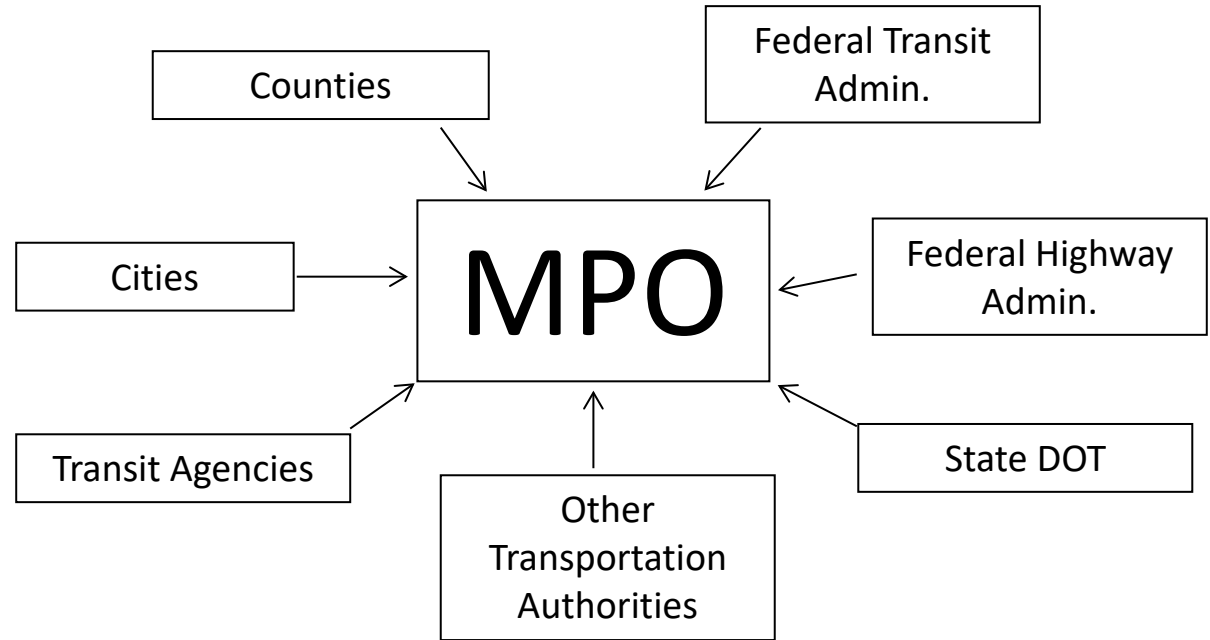
1. About the MPO
2. Long-Range Transportation Plan
3. Safe Streets and Roads for All
4. MPO Funding

ABOUT THE MPO

What Are Metropolitan Planning Organizations (MPOs)?

Created by federal government to address regional nature of transportation networks spanning many communities.

Defined as a policy board comprised of local government and transportation agency representatives.



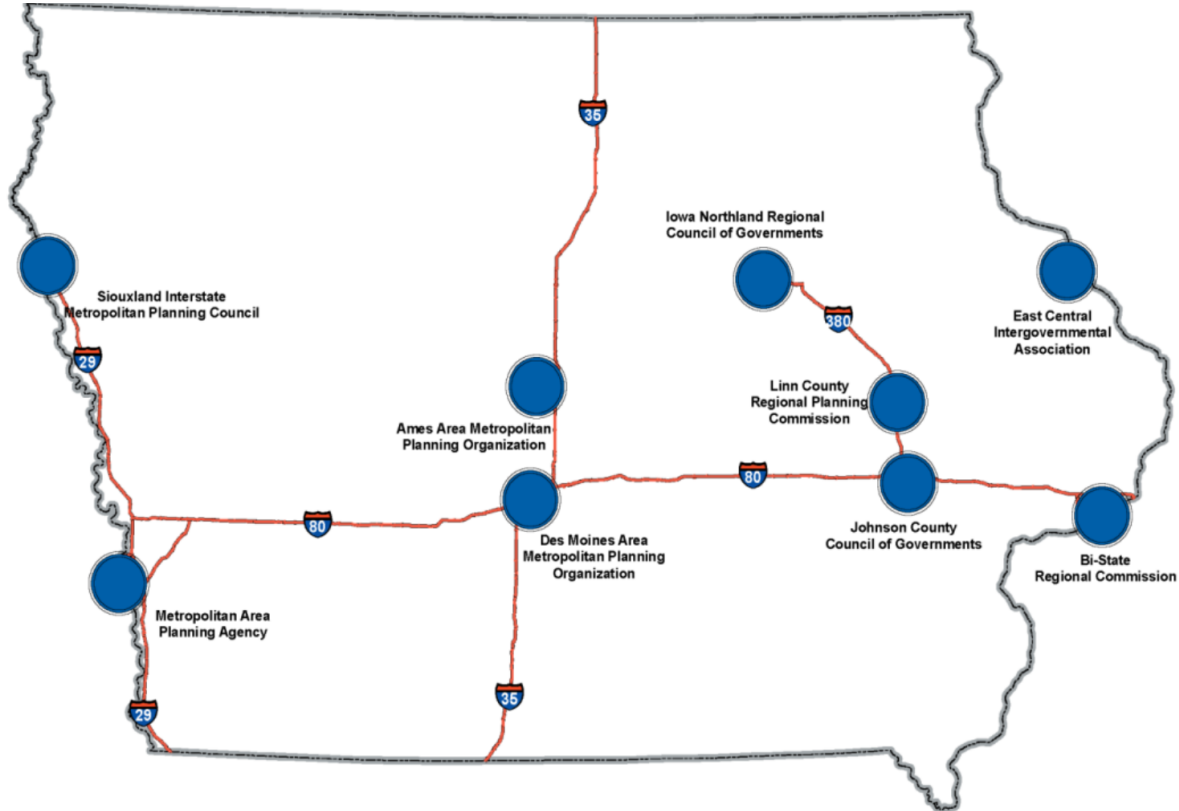
What Do MPOs Do? 6 Core Functions

1. Establish a setting for effective decision-making
2. Identify and evaluate transportation improvement options
3. Prepare and maintain a Long-Range Transportation Plan
4. Develop a Transportation Improvement Program (TIP)
5. Identify performance measure targets and monitor progress towards goals
6. Involve the public

What MPO's DON'T do

Because MPOs typically neither own nor operate the transportation systems they serve, most MPOs will not be involved in implementing the transportation project priorities they establish. Rather, MPOs serve an overall coordination and consensus-building role in planning and programming funds for projects and operations.

One of 9 MPOs in Iowa



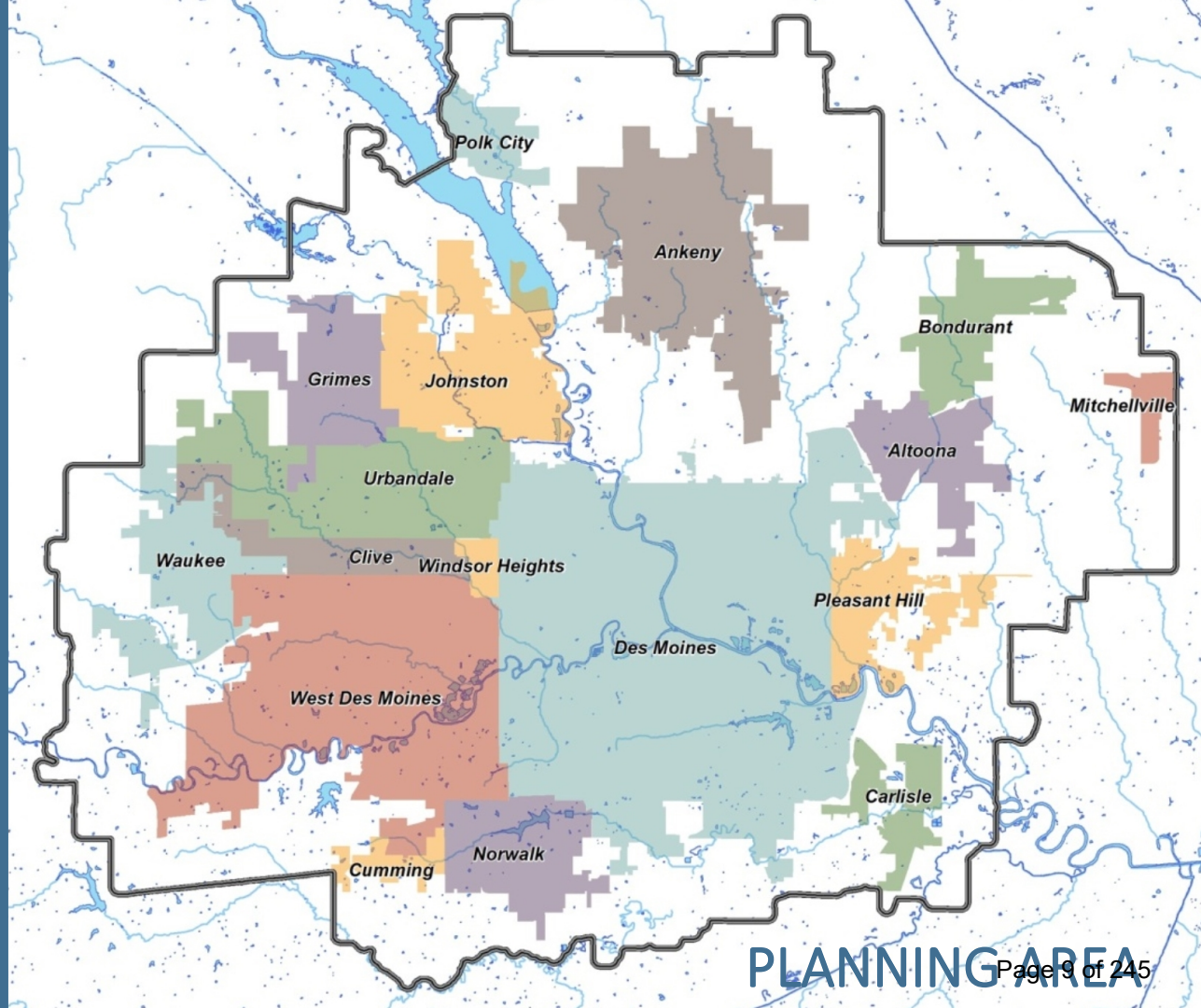
Source: Iowa DOT

HISTORY & AUTHORITY

- Des Moines Area Transportation Planning Committee designated by Governor as MPO of Des Moines area in 1983
- Reformed as the Des Moines Area MPO in 1993
- 28E agreement & bylaws last updated in 2018

20 VOTING MEMBERS

Altoona	Norwalk
Ankeny	Pleasant Hill
Bondurant	Polk City
Carlisle	Urbandale
Clive	Waukee
Des Moines	West Des Moines
DART	Windsor Heights
Grimes	Dallas County
Johnston	Polk County
Mitchellville	Warren County



MPO Membership and Representation

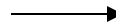
MPO Policy Committee

20 voting member govts.

26 voting representatives

10 associate/advisory non-voting members

36 total representatives



3,000 min. population to be voting member

Number of reps. based on population: all members get 1, additional reps at population increments of 50,000

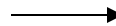
Member govt. selects their representatives

MPO Executive Committee

11 members

Designated Reps: Ankeny, Des Moines (x2), West Des Moines, Polk County

Subareas – east, northwest, and southwest (2 reps each)

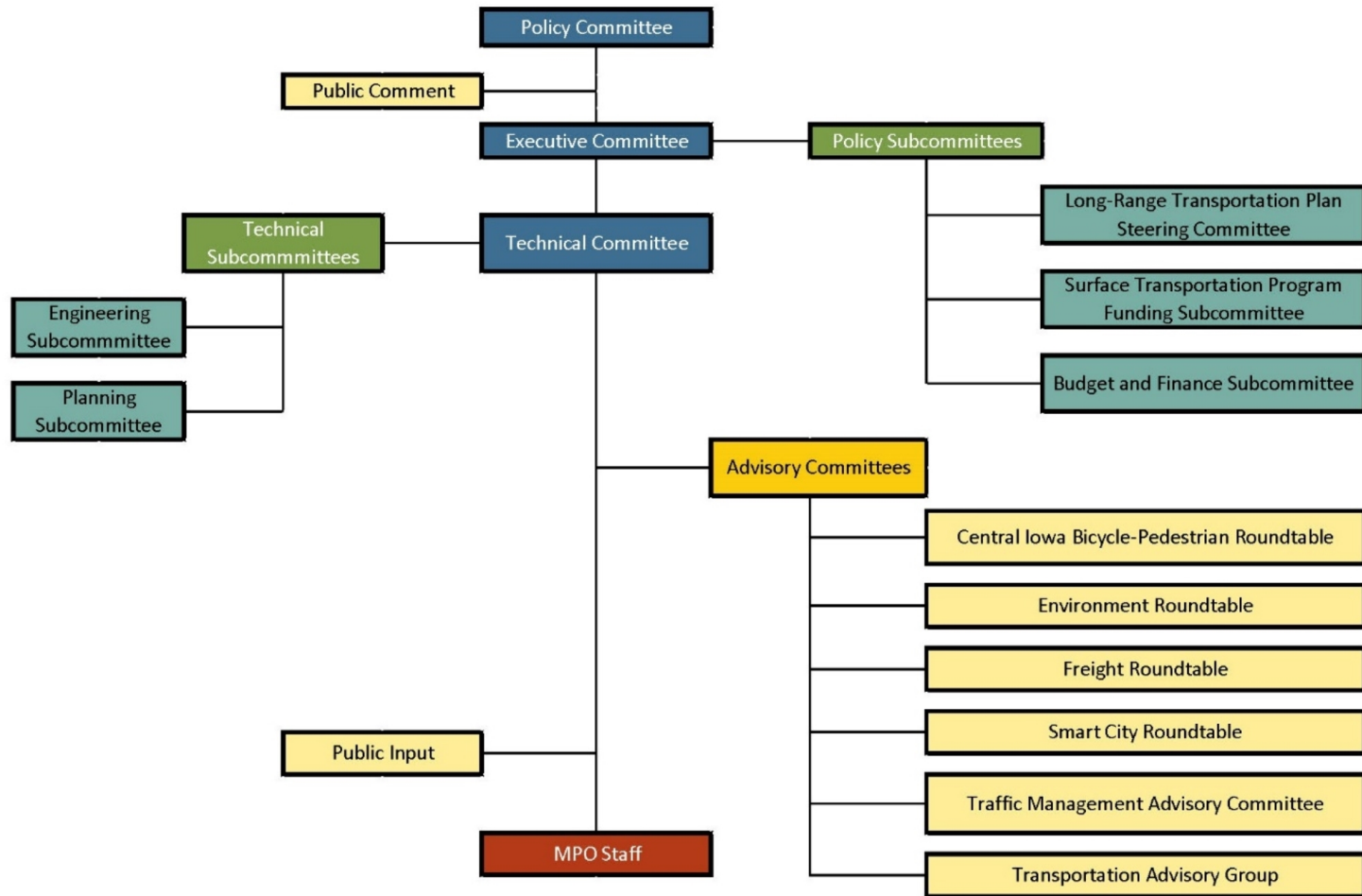


Officers must be from different govts.

Designated reps for members over 50,000 and Polk County; under 50,000 represented by subareas

Only one may be non-elected

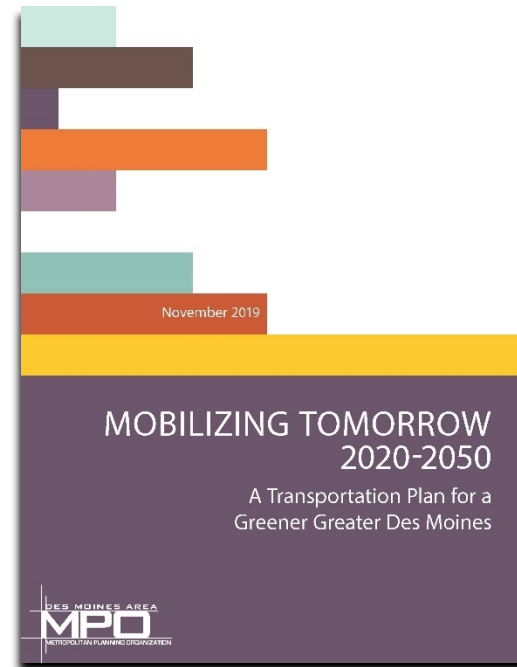
Chair limited to two one-year terms



LONG-RANGE TRANSPORTATION PLAN

Mobilizing Tomorrow

- Long-Range Transportation Plan
 - Required every 5 years
 - Updated November 2019
 - Next plan update due November 2024
- Identifies projects, policies, and funding necessary to achieve vision for future network
- Projects seeking to use federal DOT funding must be included in or supported by plan to be eligible



Status of Plan & Call to Action

STATUS

- MPO staff working on data collection
- MPO staff will work with city staff on incorporating the city's projected growth into its analysis
- Project solicitation will begin later this year

CALL TO ACTION

- Please begin thinking of problem areas for analysis and projects for inclusion in the plan.
- Submit to the MPO a copy of the city's comprehensive plan/future land use.

SAFE STREETS AND ROADS FOR ALL



Safe Streets and Roads for All



Safe Streets and Roads for All Grant Program

- New discretionary funding program under the Infrastructure and Jobs Act and the Bipartisan Infrastructure Law.
- \$1 billion available for FY 23 (\$1 billion also available each of next 4 years)
- Two uses of funds – Safety Action Plan or Implementation
 - Action Plan - \$200,000 minimum award; \$1 million max for individual jurisdictions or \$5 million max for MPOs/multi-jurisdictional applications
 - Implementation - \$5 million minimum award; \$30 million max for individual jurisdictions or up to \$50 million for MPOs/multi-jurisdictional
 - Must have Action Plan or equivalent to qualify for Implementation dollars; cannot apply for both

MPO Award: Planning grant

- The Des Moines Area MPO was successful in securing \$800,000 in planning funds to develop a Comprehensive Safety Action Plan.
- The Comprehensive Safety Action Plan is a prerequisite for any application for implementation grants.
- The MPO's plan will cover all member jurisdictions.
- **BOTTOM LINE:** Once the plan is complete, MPO members will be eligible for implementation dollars – likely for the FY2025 cycle.

Status of Plan & Call to Action

STATUS

- Toole Design (with HR Green, Confluence, and HDR Engineering) has been selected as the consulting team to develop the plan; contract has been approved.
- Grant Agreement with US DOT has been approved.
- Planning work should begin later this calendar year.

CALL TO ACTION

- Please begin thinking of safety problem areas for analysis and projects for implementation grant funding.
- MPO staff is available to help identify potential projects and assist with applications as needed.

MPO FUNDING

MPO Funding

Surface Transportation Block Grant (STBG) Program

- Flexible funding that may be used by states and localities for transportation projects.
- The intent of these projects is to preserve and improve the conditions and performance on any federal-aid highway, bridge, public road, pedestrian and bicycle infrastructure and transit capital projects.
- Each year, approximately \$16 million is available in STBG funding for the greater Des Moines region.

Funding Category	Targets
Roadway capacity	30% (max)
Bridge repair/replacement	20% (min)
Major reconstruction	25% (min)
System Optimization	15% (min)
Transit	10% (min)

MPO Funding

Transportation Alternatives Program (TAP)

- Pedestrian and bicycle facilities, recreational trails, safe routes to schools
- \$1.5 million annually

Carbon Reduction Program

- NEW: For a limited time, the Des Moines Area MPO has nearly \$7 million in additional funding to award over five years (FFY2023-FFY2027).

All federal funding programmed in the Transportation Improvement Program (TIP)

Program Schedule

The schedule for MPO funding programs follow the federal fiscal year (FFY), which is October 1 – September 30.

December — Application process opens

January — Applications are due

February — Public comment period begins

February — Applicants present projects to MPO Funding Subcommittee

March — MPO Funding Subcommittee recommends project awards

April — Recommended awards presented to MPO Policy Committee

May — MPO Policy Committee votes on final awards

MPO GRANT FUNDING

Five-year total grants to MPO members
(Federal Fiscal Years 2023-2027)

TOTAL AWARDS: \$75.7M

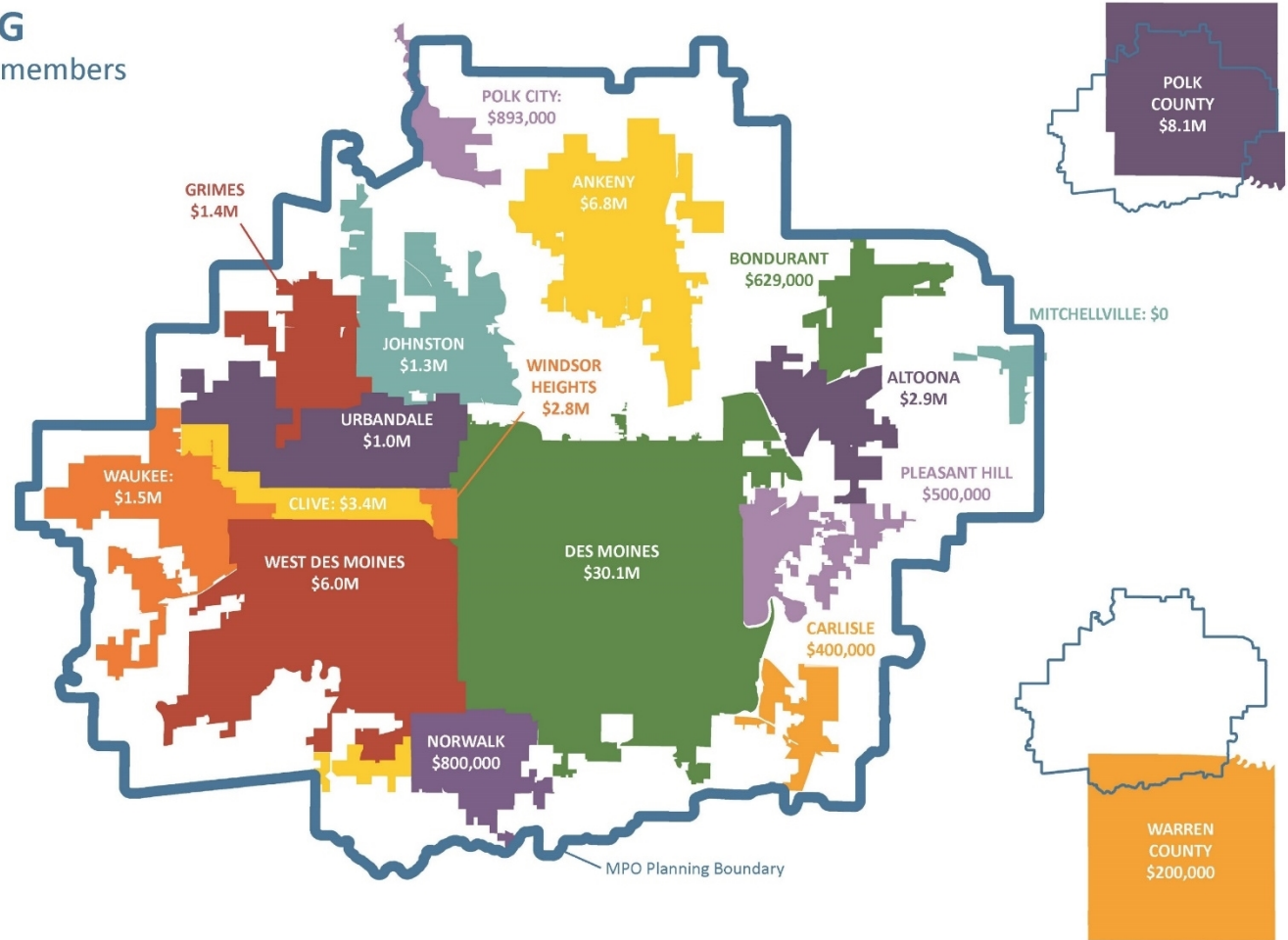
The Des Moines Area MPO has increasingly focused its funding on getting the most use out of existing infrastructure, a major theme of the region's long-range transportation plan (LRTP), Mobilizing Tomorrow.

Funding levels for the MPO-administered grant programs have increased roughly \$3 million per year, to approximately \$16 million annually, since the most recent transportation authorization bill, the Infrastructure Investment and Jobs Act.

MPO staff has begun the 18-month process of updating the LRTP, which is federally required to be updated every five years.



DES MOINES AREA
REGIONAL TRANSIT
AUTHORITY
\$7.2M



FFY 2023-2027 Awarded Funding vs. Assessment Ratio					
	STBG	STBG-Set-Aside	Total Awards	Total Assessment	Benefit Ratio
Altoona	\$ 2,750,000	\$ 131,200	\$ 2,881,200	\$84,845	33.96
Ankeny	\$ 5,346,500	\$ 2,090,000	\$ 7,436,500	\$288,927	25.74
Bondurant	\$ 250,000	\$ 779,000	\$ 1,029,000	\$29,620	34.74
Carlisle	\$ 400,000	\$ -	\$ 400,000	\$19,082	20.96
Clive	\$ 3,200,000	\$ 170,000	\$ 3,370,000	\$79,110	42.6
Dallas County	\$ -	\$ -	\$ -	\$9,895	0
DART	\$ 6,982,000	\$ 200,000	\$ 7,182,000		
Des Moines	\$ 28,284,000	\$ 2,683,000	\$ 30,967,000	\$969,790	31.93
Grimes	\$ 1,400,000	\$ -	\$ 1,400,000	\$61,232	22.86
Johnston	\$ 1,250,000	\$ -	\$ 1,250,000	\$100,432	12.45
Mitchellville	\$ -	\$ -	\$ -	\$10,603	0
Norwalk	\$ 700,000	\$ 100,000	\$ 800,000	\$51,982	15.39
Pleasant Hill	\$ 500,000	\$ -	\$ 500,000	\$44,821	11.16
Polk City	\$ 893,000	\$ -	\$ 893,000	\$21,983	40.62
Polk County	\$ 7,550,000	\$ 500,000	\$ 8,050,000	\$100,973	79.72
Urbandale	\$ 1,000,000	\$ -	\$ 1,000,000	\$198,544	5.04
Warren County	\$ 200,000	\$ -	\$ 200,000	\$18,535	10.79
Waukee	\$ 1,350,000	\$ 132,800	\$ 1,482,800	\$99,367	14.92
West Des Moines	\$ 5,751,500	\$ 250,000	\$ 6,001,500	\$300,111	20
Windsor Heights	\$ 2,750,000	\$ -	\$ 2,750,000	\$22,446	122.52



DES MOINES AREA
MPO
METROPOLITAN PLANNING ORGANIZATION

THANK YOU

Dylan Mullenix, AICP
Interim Executive Director
dmullenix@dmampo.org

Gunnar Olson
Public Affairs Manager
golson@dmampo.org

Altoona • Ankeny • Bondurant • Carlisle • Clive • Dallas County • Des Moines • DART • Grimes • Johnston • Mitchellville • Norwalk •
Pleasant Hill • Polk City • Polk County • Urbandale • Warren County • Waukee • West Des Moines • Windsor Heights

City of Windsor Heights Regular Business Meeting Minutes
Monday, November 6, 2023 - 6:00 PM
WINDSOR HEIGHTS COUNCIL CHAMBERS - 1133 66th ST

1. Call to Order/Roll Call/Pledge of Allegiance

Mayor Jones called the meeting to order at 6:00 PM. Council members present: Susan Skeries, Threase Harms, Joseph Jones, Michael Libbie, and Lauren Campbell. Staff present: City Administrator Adam Plagge, City Clerk Adam Strait, Deputy City Clerk Nate Leuthold, City Attorney Erin Clanton, Fire Chief Jim Mease, Police Chief Pete Roth, Finance Director Rachelle Swisher, City Engineer Justin Ernst, and City Planners Trey Rouse, Jane Kansier, and Nate Weitl

2. Approval of the Agenda

Motion by Threase Harms to APPROVE Approval of the Agenda with Resolution 2023-57 - A Resolution Approving the City of Windsor Heights Entering into an Agreement with the Iowa Department of Transportation added to Item 6-D Consideration of Iowa Department of Transportation Funding Agreement. Seconded by Susan Skeries . Motion passed 5-0.

3. Public Hearing:

A. Public Hearing on Proposed Contract Documents and Estimated Costs for Repair or Improvement of Colby Park

Motion by Joseph Jones to open the Public Hearing at 6:01 PM. Seconded by Threase Harms. Motion passed 5-0.

Justin Ernst and Nate Wietl presented the staff report. No public comments written or oral.

Motion by Threase Harms to close the Public Hearing at 6:05 PM. Seconded by Joseph Jones. Motion passed 5-0

B. Consideration of Proposed Contract Documents and Estimated Costs for Repair or Improvement of Colby Park

Motion by Threase Harms to APPROVE Consideration of Proposed Contract Documents and Estimated Costs for Repair or Improvement of Colby Park from Caliber Concrete, LLC.

Seconded by Michael Libbie. Roll call vote: Aye - Michael Libbie, Joseph Jones , Lauren Campbell , Threase Harms , Nay - Susan Skeries . Motion Passed 4-1.

C. Public Hearing on Ordinance No. 23-06 - An Ordinance Amending Chapters 165 through 177 of the Code of Ordinances for the City of Windsor Heights Related to Zoning

Motion by Threase Harms to open the Public Hearing at 6:07 PM. Seconded by Susan Skeries. Motion passed 5-0.

Trey Rouse and Jane Kansier presented the staff report

Geoff Wood - 6711 Elmcrest spoke in favor of the Planning and Zoning Commissions recommendations

Motion by Michael Libbie to close the Public Hearing at 6:29 PM. Seconded by Threase Harms. Motion passed 5-0

4. Public Forum: This is time set aside for comments from the public on topics of City business other than those listed on the agenda. No action may be taken. Please come to the podium, state your name and address for the record and keep your comments to no more than 5 minutes.

No public comments given.

5. Consent Agenda: Any item on the Consent Agenda may be removed for separate consideration.

Motion by Joseph Jones to APPROVE. Seconded by Threase Harms . Motion passed 5-0.

A. Approve Minutes of the Regular Council Meeting on October 16, 2023

- B. Approve Payment of Claims
- C. Approve 68th Street Reconstruction Pay Request 5
- D. Approve Gun Safety Proclamation - Talk It Up, Lock It Up, Gun Safety Saves Lives
- E. Approve Metronet Service Agreement for Community Center
- F. Approve Purchase of Motorola Radio Communications NTP-APX8500-APX8000 From Motorola Solutions

6. New Business:

- A. Consideration of Resolution No. 2023-55 - A Resolution Waiving Fees for Grace Church Des Moines on January 12, 2024
Nate Leuthold presented staff report. Motion by Michael Libbie to APPROVE. Seconded by Susan Skeries . Motion passed 5-0.
- B. Consideration of Resolution No. 2023-56 - A Resolution Waiving fees for the Community Center for the American Heart Association on November 16th, 2023
Nate Leuthold presented staff report. Motion by Lauren Campbell to APPROVE. Seconded by Susan Skeries . Motion passed 5-0.
- C. Consideration of Resolution No. 2023-54 - A Resolution on National Apprenticeship Week
Motion by Susan Skeries to APPROVE. Seconded by Threase Harms . Motion passed 5-0.
- D. Consideration of Iowa Department of Transportation Funding Agreement
Motion by Threase Harms to APPROVE the Iowa Department of Transportation Funding Agreement and Resolution 2023-57 - A Resolution Approving the City of Windsor Heights Entering into an Agreement with the Iowa Department of Transportation . Seconded by Joseph Jones . Motion passed 5-0.
- E. Consideration of the First Reading of Ordinance No. 23-09 - An Ordinance Adding Section 60.08.08 (Pedestrian Safety, Use of Medians)
Motion by Michael Libbie to APPROVE. Seconded by Threase Harms . Motion passed 5-0.
- F. Consideration of the Second Reading of Ordinance No. 23-08 - An Ordinance Amending Section 1.12 (Warrants) Regarding Administrative Search Warrants
Motion by Threase Harms to APPROVE. Seconded by Joseph Jones . Motion passed 5-0.
- G. Consideration of the Third Reading of Ordinance No. 23-07 - An Ordinance Amending Chapter 180.06 of the Code of Ordianances for the City of Windsor Heights Related to Conditional Use Permit Standards for Approval; and to Adopt and Publish.
Motion by Threase Harms to APPROVE. Seconded by Joseph Jones . Motion passed 5-0.

7. Reports:

- A. Mayor, Council Reports and Committee Updates, and Administration Reports

Threase Harms - Reminded everyone that the Lutheran Church has been named the City's polling place for upcoming elections and gave an Windsor Wonderland update

Lauren Campbell - Gave a Fall Festival wrap up update and shared her Beggars' Night experience with the new date

Michael Libbie - Thanked City Administrator for pre-council meeting meetings

Joseph Jones - No report given

Susan Skeries - Gave a special events update including Fall Festival debrief and Veterans Day, discussed the 2024 events calendar, looking into a new way to purchase movie licenses to save money, shared Beggars' Night experience, thanked the Police Department for the extra patrols and Fire Department for driving around to hand out treats, gave a MWA update, shared experience at the DMACC police car donation ceremony, gave an update on Des Moines Public Library trustee meeting

Adam Plagge - Shared a new report on code enforcement will be shared quarterly and is working with Nate Leuthold to create a community center report as well

B. Code Enforcement Report

8. **Adjourn**

Motion by Threase Harms to adjourn the meeting at 7:03 PM. Seconded by Susan Skeries. Motion passed 5-0.

Mike Jones, Mayor

Adam Strait, City Clerk

Vendor Checks: 11/01/2023-11/14/2023

Payroll Checks: 11/01/2023-11/14/2023

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
AIRGAS	OXYGEN		52.60	56037	11/03/23
ALL STAR CONCRETE	CONTRACTOR PAY REQUEST #5		171,160.35	56038	11/03/23
AMAZON CAPITAL SERVICES	FINGERPRINT STATION/INKPAD	60.73		56039	11/03/23
AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	82.97	143.70	56083	11/10/23
AMERIGROUP	AMBULANCE OVERPAYMENT		2,996.33	56040	11/03/23
ARNOLD MOTOR SUPPLY	SUPPLIES		210.02	56041	11/03/23
AUREON IT	BATTERY BACKUP PSB		4,692.65	56042	11/03/23
BANKERS TRUST COMPANY	CC FEES	432.96		4540	11/10/23
BANKERS TRUST COMPANY	CC FEES	22.90		4541	11/10/23
BANKERS TRUST COMPANY	CC FEES	84.52	540.38	4542	11/10/23
BAYCOM	VEHICLE RADIO MOUNTS		565.00	56084	11/10/23
BOLTON & MENK	MS4ID IMPLEMENTATION	3,600.00		56043	11/03/23
BOLTON & MENK	68TH ST ENG	40,253.50	43,853.50	56085	11/10/23
BOOT BARN INC	CLOTHING ALLOWANCE		53.98	56044	11/03/23
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	748.82		56045	11/03/23
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	246.40	995.22	56086	11/10/23
BRAVO GREATER DES MOINES INC.	PARTNER TABLE		3,000.00	56046	11/03/23
BULLZEYE, INC	OCT CLEANINGS CEC		4,058.00	56047	11/03/23
CENTURY LINK	TELEPHONE		133.77	56048	11/03/23
CINTAS	SUPPLIES		359.33	56049	11/03/23
CITY OF STORY CITY	EQUIPMENT PURCHASE		680.05	56087	11/10/23
CITY OF URBANDALE	SALT STORAGE MAINTENANCE FEES		1,152.00	56050	11/03/23
CITY OF WEST DES MOINES	WESTCOM FY23 TRUE UP		12,802.51	56051	11/03/23
CLEARFLY	CELL PHONES		179.03	4526	11/03/23
CLIVE POWER EQUIP.	SAW REPAIRS		126.71	56052	11/03/23
CRYSTAL CLEAR WATER CO.	WATER		9.99	56053	11/03/23
DES MOINES PUBLIC LIBRARY	FY24 1ST QTR		32,781.81	56088	11/10/23
DES MOINES WATER WORKS	6900 SCHOOL ST		115.44	56089	11/10/23
ELECTRICAL ENG.& EQUIPMENT	SUPPLIES		27.04	56054	11/03/23
FEDERAL TAX DEPOSIT	FED/FICA TAX		27,926.80	4537	11/08/23
FORCE FITTERS	CLOTHING ALLOWANCE		38.00	56055	11/03/23
GALLS INC	CLOTHING ALLOWANCE		203.43	56056	11/03/23
GENERAL FIRE AND SAFETY EQUIP	EXTINGUISHER INSPECTIONS		43.00	56057	11/03/23
GRIMES ASPHALT & PAVING	STREET MAINTENANCE SUPPLIES		76.50	56058	11/03/23
O'DONNELL ACE HICKMAN	SUPPLIES		63.96	56059	11/03/23
HOTT OFF THE PRESS	OCT NEWSLETTER		1,634.43	56060	11/03/23
ICMA RETIREMENT TRUST	ICMA	412.13		4536	11/08/23
ICMA RETIREMENT TRUST	ICMA	1,284.09	1,696.22	4539	11/09/23
IOWA DES MOINES SUPPLY	SUPPLIES		111.00	56061	11/03/23
IOWA LAW ENFORCEMENT ACADEMY	MMPI EVALUATION		300.00	56090	11/10/23
IOWA ONE CALL	LINE LOCATES		98.50	56062	11/03/23
IPERS	HEALTH PRETAX		32.50	4535	11/08/23
ISOLVED BENEFIT SERVICES	HRA FEES	42.00		4527	11/03/23
ISOLVED BENEFIT SERVICES	FLEX CLD BENEFIT	578.85	620.85	4538	11/08/23
KARL CHEVROLET	TRUCK #8		5,869.09	56091	11/10/23
KELTEK INCORPORATED	NEW SQUAD CAR #36		7,188.94	56063	11/03/23
KIMBALL MIDWEST	SUPPLIES		763.66	56064	11/03/23
KOCH OFFICE GROUP	COPIER LEASE		151.86	56092	11/10/23
LEUTHOLD, NATE	OCT MILEAGE		62.49	56093	11/10/23
LOWE'S	SUPPLIES		94.13	56094	11/10/23
MANHATTANLIFE	BENEFITS		369.54	56095	11/10/23
MEDIACOM BUSINESS	INTERNET		570.00	56065	11/03/23
MERCY ONE CLIVE PHARMACY	MEDICAL SUPPLIES		502.26	56096	11/10/23
METRO WASTE AUTHORITY	CURB IT FEES		9,102.70	56066	11/03/23

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
MIDAMERICAN ENERGY	STREET LIGHTS	3,173.54		4528	11/03/23
MIDAMERICAN ENERGY	801 73RD ST	29.23	3,202.77	4543	11/10/23
NAPA AUTO PARTS	SUPPLIES		81.99	56067	11/03/23
OMNI BILLING	OCT EMS BILLING		1,725.37	56097	11/10/23
OVERHEAD DOOR COMPANY	KEYPAD REPAIR		238.05	56068	11/03/23
PC PRINT CENTER	BUSINESS CARDS ANDY		40.61	56098	11/10/23
PITNEY BOWES CREDIT CORP	POSTAGE METER LEASE		152.22	4529	11/03/23
PORTER LEE CORPORATION	ANNUAL BEAST SOFTWARE SUPPORT		965.00	56099	11/10/23
PREMIER AUTOMOTIVE	C500 BRAKE/ROTOR REPAIR	596.18		56069	11/03/23
PREMIER AUTOMOTIVE	OIL CHANGE FOR 7229	77.06	673.24	56100	11/10/23
QUALITY PEST CONTROL, INC	PEST CONTROL		53.00	56070	11/03/23
RANGEMASTERS TRAINING CTR	CLOTHING ALLOWANCE	1,417.01		56071	11/03/23
RANGEMASTERS TRAINING CTR	CLOTHING ALLOWANCE	101.29	1,518.30	56101	11/10/23
RELIASTAR LIFE INS CO	NISSAN		75.00	56102	11/10/23
SAFE BUILDING COMPLIANCE	BUILDING INSPECTIONS	1,717.80		56072	11/03/23
SAFE BUILDING COMPLIANCE	OCT RENTAL INSPECTIONS	240.00	1,957.80	56103	11/10/23
SAM'S CLUB DIRECT	SUPPLIES		154.92	56073	11/03/23
SOLIS CONCRETE SERVICES LLC	REPLACE APPROACH COLLEGE DR		2,100.00	56074	11/03/23
SPRAYER SPECIALTIES INC.	SUPPLIES		214.99	56075	11/03/23
STANARD & ASSOC. INC.	POST EXAM FORMS		69.00	56076	11/03/23
STANDARD INSURANCE COMPANY	LIFE/LTD/STD		52.00	56077	11/03/23
STEW HANSEN'S DODGE CITY INC.	7226 REPAIRS		722.95	56104	11/10/23
STIVERS MIDWEST PRO UPFITTERS	NEW SQUAD CAR 36		10,891.00	56105	11/10/23
TRANSUNION RISK & ALTERNATIVE	MONTHLY CHARGES		75.00	56078	11/03/23
UMB BANK	2020 B INTEREST	33,579.00		4530	11/03/23
UMB BANK	2020 A INTEREST	69,915.00		4531	11/03/23
UMB BANK	2016 B INTEREST	15,291.25		4532	11/03/23
UMB BANK	2016 A BOND INTEREST	7,568.75	126,354.00	4533	11/03/23
UNIVERSITY DM ACE HARDWARE	SUPPLIES		51.37	56079	11/03/23
UPHDM OCCUPATIONAL MED	PHYSICAL	536.50		56080	11/03/23
UPHDM OCCUPATIONAL MED	PHYSICAL	51.75	588.25	56106	11/10/23
VERIZON WIRELESS	CELL PHONES		381.43	4534	11/03/23
CAPITAL ONE	BATTERY CHARGER		56.54	56081	11/03/23
WEST DES MOINES TRUE VALUE	GRASS SEED		130.17	56107	11/10/23
ZIEGLER INC.	GENERATOR REPAIR		1,263.65	56082	11/03/23
Accounts Payable Total			491,997.89		

Payroll Checks

001	GENERAL	65,446.43
110	ROAD USE TAX	7,071.43
740	STORM WATER	1,631.14
Total Paid On: 11/10/23		74,149.00
Total Payroll Paid		74,149.00
Report Total		566,146.89

**CLAIMS REPORT
CLAIMS FUND SUMMARY****Payroll Checks: 11/01/2023-11/14/2023**

FUND	NAME	AMOUNT
001	GENERAL	174,878.01
110	ROAD USE TAX	24,073.41
112	EMPLOYEE BENEFITS	1,822.63
200	DEBT SERVICE	126,354.00
314	UNIVERSITY AVE ST PROJECT	2,771.50
319	2020 STREET PROJECTS	3,864.00
322	73RD STREET PROJECT	11,693.50
323	68TH ST	189,394.35
329	PUBLIC SAFETY PARKING LOT	281.00
350	CAPITAL EQUIPMENT FUND	19,580.64
610	SEWER	89.26
670	LANDFILL/GARBAGE	9,102.70
740	STORM WATER	2,241.89

	TOTAL FUNDS	566,146.89

REVENUE REPORT

CALENDAR 10/2023, FISCAL 4/2024

PCT OF FISCAL YTD 33.3%

ACCOUNT NUMBER	ACCOUNT TITLE	BUDGET ESTIMATE	MTD BALANCE	YTD BALANCE	PERCENT RECVD	UNCOLLECTED
	GENERAL TOTAL	3,787,284.00	1,065,059.68	1,613,303.80	42.60	2,173,980.20
	ROAD USE TAX TOTAL	663,500.00	59,005.42	282,568.30	42.59	380,931.70
	EMPLOYEE BENEFITS TOTAL	586,530.00	221,188.86	257,282.52	43.87	329,247.48
	POLICE PENSION TOTAL	.00	.00	.00	.00	.00
	POLICE TRUST TOTAL	10,100.00	.00	78.53	.78	10,021.47
	POLICE PREFORFEITURE TOTAL	1,005.00	.00	5.70	.57	999.30
	EMERGENCY FUND TOTAL	70,224.00	.00	.00	.00	70,224.00
	LOCAL OPTION SALES TAX TOTAL	1,112,000.00	102,510.62	450,336.80	40.50	661,663.20
	TAX INCREMENT FINANCING TOTAL	1,532,443.00	889,540.37	938,621.38	61.25	593,821.62
	URBAN RENEWAL TOTAL	.00	.00	.00	.00	.00
	DEBT SERVICE TOTAL	1,531,129.00	357,703.42	406,191.88	26.53	1,124,937.12
	COLBY PARK TOTAL	.00	.00	.00	.00	.00
	HICKMAN ROAD PROJECT TOTAL	.00	.00	.00	.00	.00
	2014A STREETS PROJECTS TOTAL	.00	.00	.00	.00	.00
	TRAIL CONNECTION TOTAL	.00	.00	.00	.00	.00
	63/HICKMAN ST SCAPE TOTAL	.00	.00	.00	.00	.00
	2017/18 Capital Projects TOTA	.00	.00	.00	.00	.00

REVENUE REPORT

CALENDAR 10/2023, FISCAL 4/2024

PCT OF FISCAL YTD 33.3%

ACCOUNT NUMBER	ACCOUNT TITLE	BUDGET ESTIMATE	MTD BALANCE	YTD BALANCE	PERCENT RECVD	UNCOLLECTED
	UNIVERSITY AVE ST PROJECT TOTA	.00	.00	.00	.00	.00
	2018 HMA RESURFACING PROJ TOTA	.00	.00	.00	.00	.00
	2018 PCC PATCHING PROJECT TOTA	.00	.00	.00	.00	.00
	WAL CREEK BIKE HUB/BRIDGE TOTA	.00	.00	.00	.00	.00
	2020 STREET PROJECTS TOTAL	.00	.00	.00	.00	.00
	2020 PCC PATCHING TOTAL	.00	.00	.00	.00	.00
	WAL CREEK STREAM PROJECT TOTA	.00	.00	.00	.00	.00
	73RD STREET PROJECT TOTAL	12,360,000.00	.00	.00	.00	12,360,000.00
	68TH ST TOTAL	.00	.00	.00	.00	.00
	2023 HMA OVERLAY PROJECT TOTA	.00	.00	.00	.00	.00
	2023 PCC PATCHING PROJECT TOTA	.00	.00	.00	.00	.00
	PUBLIC SAFETY PARKING LOT TOTA	.00	.00	.00	.00	.00
	DOG PARK UPDATES TOTAL	.00	.00	.00	.00	.00
	FLOOD MITIGATION TOTAL	.00	.00	.00	.00	.00
	AMERICAN RESCUE PLAN ACT TOTA	.00	.00	.00	.00	.00
	FUTURE STREET PROJECTS TOTAL	1,088,820.00	.00	.00	.00	1,088,820.00
	CAPITAL EQUIPMENT FUND TOTAL	371,500.00	2,001.00	6,064.40	1.63	365,435.60

REVENUE REPORT
CALENDAR 10/2023, FISCAL 4/2024**PCT OF FISCAL YTD 33.3%**

ACCOUNT NUMBER	ACCOUNT TITLE	BUDGET ESTIMATE	MTD BALANCE	YTD BALANCE	PERCENT RECVD	UNCOLLECTED
	WATER TOTAL	.00	.00	.00	.00	.00
	SEWER TOTAL	.00	.00	.00	.00	.00
	LANDFILL/GARBAGE TOTAL	354,000.00	21,992.62	104,170.96	29.43	249,829.04
	STORM WATER TOTAL	375,000.00	26,907.32	121,255.05	32.33	253,744.95
	REVOLVING FUND TOTAL	.00	.00	.00	.00	.00
	TOTAL REVENUE BY FUND	=====	=====	=====	=====	=====
		23,843,535.00	2,745,909.31	4,179,879.32	17.53	19,663,655.68
		=====	=====	=====	=====	=====

BALANCE SHEET

CALENDAR 10/2023, FISCAL 4/2024

ACCOUNT NUMBER	ACCOUNT TITLE	MTD BALANCE	YTD BALANCE
001-000-1110	CASH - GENERAL	626,397.52	236,449.58
110-000-1110	CASH - RUT	2,903.14-	178,066.41
112-000-1110	CASH - EMP BENEFIT FUND	153,534.25	282,448.41
113-000-1110	CASH - POLICE PENSION	.00	.00
114-000-1110	CASH - POLICE TRUST	.00	25,477.41-
115-000-1110	CASH - POLICE PREFORFEIT	.00	1,602.32-
119-000-1110	CASH - EMERGENCY FUND	.00	.00
121-000-1110	CASH - LOCAL OPTION SALES TAX	102,510.62	964,827.74
125-000-1110	CASH - TIF	889,540.37	943,792.22
145-000-1110	CASH - URBAN RENEWAL FUNDS	.00	80,387.92
200-000-1110	CASH - DEBT SERVICE	357,703.42	411,448.37
303-000-1110	CASH - COLBY PARK	20,869.50-	149,769.45-
306-000-1110	CASH - HICKMAN ROAD PROJECT	.00	.00
309-000-1110	CASH - 2014 A STREET PROJECT	.00	.00
311-000-1110	CASH - TRAIL CONNECTION	.00	.00
312-000-1110	CASH - 63/HICKMAN STREETScape	.00	.00
313-000-1110	CASH - 2017/18 STREET PROJECTS	.00	.00
314-000-1110	CASH - UNIVERSITY AVE PROJECT	1,706.50-	49,147.14
315-000-1110	CASH - 2018 HMA PROJ	.00	.00
316-000-1110	CASH - 2018 PCC PATCHING PROJ	.00	.00
317-000-1110	CASH - WAL CREEK BIKE HUB/BRID	.00	144,848.50
319-000-1110	CASH - 2020 STREET PROJECTS	10,984.00-	20,037.38-
320-000-1110	CASH - 2020 PCC PATCHING	.00	.00
321-000-1110	CASH - WAL CREEK STREAM PROJ	.00	.00
322-000-1110	CASH - 73RD ST	40,979.50-	251,164.30
323-000-1110	CASH - 68TH STREET	100,961.82-	685,526.33-
324-000-1110	CASH - 2023 HMA OVERLAY	552.00-	15,707.55
325-000-1110	CASH - 2023 PCC PATCHING PROJ	2,426.00-	47,386.74
329-000-1110	CASH - PUBLIC SAFETY PARKING L	12,721.26-	334.47-
333-000-1110	CASH - DOG PARK UPDATES	.00	85,000.00
347-000-1110	CASH - FLOOD MITIGATION	.00	.00
348-000-1110	CASH - ARPA FUNDS	.00	13,322.83
349-000-1110	CASH - FUTURE STREET PROJECTS	.00	40,827.53
350-000-1110	CASH - EQUIP REVOLVE FUND	.00	2,235.73
350-000-1180	CASH - EQUIP REVOLVE - POLICE	.00	91,030.28
350-000-1181	CASH - EQUIP REVOLVE - FIRE/EM	.00	44,171.88
350-000-1182	CASH - EQUIP REV - NOT USED	.00	.00
350-000-1183	CASH - EQUIP REV - PUBLIC WORK	.00	71,500.00
350-000-1185	CASH - EQUIP REVOLVE - PARKS	.00	.00
350-000-1186	CASH - EQUIP REVOLVE - CEC	12,151.50-	98,503.09
350-000-1187	CASH - EQUIP REVOLVE - IT DEPT	.00	49,929.53
600-000-1110	CASH - WATER	.00	103,254.44-
610-000-1110	CASH - SEWER	88.26-	2,060.29-
670-000-1110	CASH - LANDFILL/GARBAGE	40,082.54-	10,388.01-
740-000-1110	CASH - STORM WATER	20,663.86	155,960.72
810-000-1110	CASH - REVOLVING FUND	.00	.00
CASH TOTAL		1,903,924.02	3,259,706.37
001-000-1115	RESERVE CASH - COMM CENTER	.00	.00

BALANCE SHEET

CALENDAR 10/2023, FISCAL 4/2024

ACCOUNT NUMBER	ACCOUNT TITLE	MTD BALANCE	YTD BALANCE
	RESERVE CASH TOTAL	.00	.00
115-000-1120	PETTY CASH - POLICE FOREITURE	.00	1,000.00
	PETTY CASH TOTAL	.00	1,000.00
001-000-1150	IPAIT - GENERAL	59,361.70	2,546,946.49
110-000-1150	IPAIT - RUT	.00	991,799.53
112-000-1150	IPAIT - EMPLOYEE BENEFITS	.00	799,477.50
121-000-1150	IPAIT - LOCAL OPTION SALES TAX	.00	.00
125-000-1150	IPAIT - TIF	.00	369,988.14
145-000-1150	IPAIT - URBAN RENEWAL FUNDS	.00	206,971.89
200-000-1150	IPAIT - DEBT SERVICE	.00	445,146.53
303-000-1150	IPAIT - COLBY PARK	.00	1,505,899.97
314-000-1150	IPAIT - UNIVERSITY AVE PROJECT	.00	615,502.09
319-000-1150	IPAIT - 2020 STREET PROJECTS	.00	263,212.10
322-000-1150	IPAIT - 73RD STREET	.00	310,457.83
323-000-1150	IPAIT - 68TH STREET	.00	2,007,866.63
348-000-1150	IPAIT - ARPA FUNDS	.00	.00
349-000-1150	IPAIT - FUTURE STREET PROJECTS	.00	791,907.59
350-000-1150	IPAIT - EQUIP REVOLVING	.00	1,003,933.32
670-000-1150	IPAIT - LANDFILL/GARBAGE	.00	393,755.19
740-000-1150	IPAIT - STORM WATER	.00	1,503,000.51
	IPAIT TOTAL	59,361.70	13,755,865.31
001-000-1160	SAVINGS - 680-5592 - GENERAL	.00	.00
001-000-1161	SAVINGS - KWHB	.00	3,044.37
112-000-1160	SAVINGS - EMP BENEFIT 689-6237	.00	.00
113-000-1160	SAVINGS - 680-2292 - POLICE	.00	.00
114-000-1160	SAVINGS - POLICE TRUST	.00	63,046.85
115-000-1160	SAVINGS - PREF/DEA	.00	3,890.20
	SAVINGS TOTAL	.00	69,981.42
001-000-1170	CD 082009 - KWHB	.00	11,643.05
600-000-1170	CD 12062707- WATER	.00	107,401.50
810-000-1170	CD 050109 - REVOLVING FUND	.00	.00
	CD'S TOTAL	.00	119,044.55
	TOTAL CASH	1,963,285.72	17,205,597.65

BUDGET REPORT
CALENDAR 10/2023, FISCAL 4/2024

PCT OF FISCAL YTD 33.3%

ACCOUNT NUMBER	ACCOUNT TITLE	TOTAL BUDGET	MTD BALANCE	YTD BALANCE	PERCENT EXPENDED	UNEXPENDED
	POLICE TOTAL	2,409,200.00	172,936.24	695,827.40	28.88	1,713,372.60
	EMERGENCY MANAGEMENT TOTAL	10,200.00	.00	7,151.09	70.11	3,048.91
	FIRE TOTAL	424,420.00	24,040.46	158,857.88	37.43	265,562.12
	AMBULANCE TOTAL	916,175.00	60,693.11	248,158.24	27.09	668,016.76
	BUILDING INSPECTIONS TOTAL	75,000.00	8,074.11	18,993.33	25.32	56,006.67
	ANIMAL CONTROL TOTAL	5,500.00	.00	2,666.00	48.47	2,834.00
		-----	-----	-----	-----	-----
	PUBLIC SAFETY TOTAL	3,840,495.00	265,743.92	1,131,653.94	29.47	2,708,841.06
	ROADS, BRIDGES, SIDEWALKS TOTA	664,984.00	44,566.23	222,365.87	33.44	442,618.13
	STREET LIGHTING TOTAL	67,000.00	4,169.84	15,169.41	22.64	51,830.59
	TRAFIC CONTROL & SAFETY TOTAL	.00	.00	.00	.00	.00
	SNOW REMOVAL TOTAL	158,000.00	25,197.64	50,359.38	31.87	107,640.62
	OTHER PUBLIC WORKS TOTAL	29,000.00	623.95	6,527.08	22.51	22,472.92
		-----	-----	-----	-----	-----
	PUBLIC WORKS TOTAL	918,984.00	74,557.66	294,421.74	32.04	624,562.26
	WATER,AIR,MOSQUITO CONTRO TOTA	.00	.00	.00	.00	.00
	OTHER HEALTH/SOCIAL SERV TOTA	.00	.00	.00	.00	.00
		-----	-----	-----	-----	-----
	HEALTH & SOCIAL SERVICES TOTA	.00	.00	.00	.00	.00
	LIBRARY TOTAL	65,564.00	.00	.00	.00	65,564.00
	PARKS TOTAL	184,621.00	9,351.36	44,905.51	24.32	139,715.49
	COMMUNITY CTR/ZOO/MARINA TOTA	7,250.00	.00	4,644.76	64.07	2,605.24
	SPECIAL EVENTS TOTAL	40,000.00	5,588.44	28,351.10	70.88	11,648.90
	COMMUNITY CENTER TOTAL	135,400.00	19,459.70	49,772.95	36.76	85,627.05
		-----	-----	-----	-----	-----
	CULTURE & RECREATION TOTAL	432,835.00	34,399.50	127,674.32	29.50	305,160.68
	COMMUNITY BEAUTIFICATION TOTA	.00	.00	.00	.00	.00
	ECONOMIC DEVELOPMENT TOTAL	266,372.00	.00	.00	.00	266,372.00
	HOUSING & URBAN RENEWAL TOTAL	20,000.00	18,707.00	18,707.00	93.54	1,293.00
		-----	-----	-----	-----	-----
	COMMUNITY & ECONOMIC DEV TOTA	286,372.00	18,707.00	18,707.00	6.53	267,665.00
	MAYOR/COUNCIL TOTAL	72,700.00	12,894.05	36,145.44	49.72	36,554.56
	IT DEPARTMENT TOTAL	55,000.00	7,064.43	20,641.27	37.53	34,358.73
	CLERK/TREASURER/ADM TOTAL	818,045.00	93,631.07	271,675.17	33.21	546,369.83
	ELECTIONS TOTAL	1,500.00	.00	.00	.00	1,500.00
	LEGAL SERVICES/ATTORNEY TOTAL	65,000.00	3,140.00	14,052.05	21.62	50,947.95
	OTHER GENERAL GOVERNMENT TOTA	15,000.00	.00	.00	.00	15,000.00
		-----	-----	-----	-----	-----
	GENERAL GOVERNMENT TOTAL	1,027,245.00	116,729.55	342,513.93	33.34	684,731.07

BUDGET REPORT

CALENDAR 10/2023, FISCAL 4/2024

PCT OF FISCAL YTD 33.3%

ACCOUNT NUMBER	ACCOUNT TITLE	TOTAL BUDGET	MTD BALANCE	YTD BALANCE	PERCENT EXPENDED	UNEXPENDED
	ROADS, BRIDGES, SIDEWALKS TOTA	1,118,188.00	.00	.00	.00	1,118,188.00
	PARKS TOTAL	.00	.00	.00	.00	.00
	HOUSING & URBAN RENEWAL TOTAL	406,921.00	.00	.00	.00	406,921.00
		-----	-----	-----	-----	-----
	DEBT SERVICE TOTAL	1,525,109.00	.00	.00	.00	1,525,109.00
	POLICE TOTAL	130,000.00	.00	45,498.00	35.00	84,502.00
	FIRE TOTAL	9,000.00	.00	.00	.00	9,000.00
	AMBULANCE TOTAL	.00	.00	.00	.00	.00
	ROADS, BRIDGES, SIDEWALKS TOTA	15,405,869.00	170,331.08	825,888.13	5.36	14,579,980.87
	PARKS TOTAL	600,000.00	20,869.50	144,945.00	24.16	455,055.00
	COMMUNITY CENTER TOTAL	.00	14,152.50	14,152.50	.00	14,152.50-
	IT DEPARTMENT TOTAL	22,800.00	.00	.00	.00	22,800.00
	CAPITAL PROJECTS TOTAL	.00	.00	.00	.00	.00
		-----	-----	-----	-----	-----
	CAPITAL PROJECTS TOTAL	16,167,669.00	205,353.08	1,030,483.63	6.37	15,137,185.37
	WATER TOTAL	.00	.00	.00	.00	.00
	SEWER/SEWAGE DISPOSAL TOTAL	31,350.00	88.26	6,592.96	21.03	24,757.04
	LANDFILL/GARBAGE TOTAL	379,000.00	62,075.16	123,160.42	32.50	255,839.58
	STORM WATER TOTAL	292,544.00	6,243.46	34,045.34	11.64	258,498.66
		-----	-----	-----	-----	-----
	ENTERPRISE FUNDS TOTAL	702,894.00	68,406.88	163,798.72	23.30	539,095.28
	TRANSFERS IN/OUT TOTAL	2,188,499.00	.00	.00	.00	2,188,499.00
		-----	-----	-----	-----	-----
	TRANSFER OUT TOTAL	2,188,499.00	.00	.00	.00	2,188,499.00
		=====	=====	=====	=====	=====
	TOTAL EXPENSES	27,090,102.00	783,897.59	3,109,253.28	11.48	23,980,848.72
		=====	=====	=====	=====	=====



**BOLTON
& MENK**

Real People. Real Solutions.

430 E Grand Avenue
Suite 101
Des Moines, IA 50309

Ph: (515) 259-9190
Fax: (515) 233-4430
Bolton-Menk.com

November 15, 2023

Mr. Adam Plagge
City Administrator
City of Windsor Heights, Iowa

RE: 68th Street Reconstruction Pay Request 6

Dear Mr. Plagge:

Submitted for your approval is Pay Request 6 for the above-mentioned project. Pay Request 6 is for a total payment of \$392,676.93. The total value completed to date is \$1,595,541.69, minus 5% retainage of \$79,777.08. Please see Pay Request 6 for a full summary of the items completed that are included in this payment.

Bolton & Menk, Inc. recommends the approval of Pay Application 6. Please let me know if you have any questions.

Sincerely,

Bolton & Menk, Inc.

Justin Ernst, PE
Project Manager

Contractor's Application for Payment

Owner:	City of Windsor Heights	Owner's Project No.:	
Engineer:	Bolton & Menk, Inc.	Engineer's Project No.:	0A1.127880
Contractor:	All Star Concrete	Other Project No.:	
Project:	68th Street Reconstruction		
Contract:	Paving, Municipal		
Application No.:	6	Application Date:	11/20/2023
Application Period:	From 10/1/2023 to 11/3/2023		

1. Original Contract Price	\$	1,922,231.25
2. Net change by Change Orders	\$	-
3. Current Contract Price (Line 1 + Line 2)	\$	1,922,231.25
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$	1,595,541.69
5. Retainage		
a. 5% X \$ 1,595,541.69 Work Completed	\$	79,777.08
b. 5% X \$ - Stored Materials	\$	-
c. Total Retainage (Line 5.a + Line 5.b)	\$	79,777.08
6. Amount eligible to date (Line 4 - Line 5.c)	\$	1,515,764.61
7. Less previous payments (Line 6 from prior application)	\$	1,123,087.68
8. Amount due this application	\$	392,676.93

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: All Star Concrete

Signature: Paublo Sanchez **Date:** 11.15.2023
Name: Paublo Sanchez **Title:** _____

Recommended by Engineer**Approved by Owner**

By: <u>Justin Ernst</u> Name: Justin Ernst Title: Civil Project Manager Date: 11/15/2023	By: _____ Name: _____ Title: _____ Date: _____
--	--

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of Windsor Heights	Owner's Project
Engineer:	Bolton & Menk, Inc.	Engineer's Project
Contractor:	All Star Concrete	Other Project No.: 0A1.127880
Project:	68th Street Reconstruction	
Contract:	Paving, Municipal	

Application No.:		6	Application Period:		From	10/01/23	to	11/03/23	Application Date:					11/20/23
A	B		C	D	E	F	F1	F2	G	H	J	K	L	
Bid Item No.	Description	Contract Information				Previous Estimate		Work Completed		Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)		
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Quantity Previous Estimate	Value Previous Estimate	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)					
Original Contract														
1	CLEARING AND GRUBBING	1	LS	\$ 8,500.00	\$ 8,500.00	1.00	8,500.00	1.00	\$ 8,500.00	\$ 8,500.00	100%	\$ -		
2	TOPSOIL, ON-SITE	375	CY	\$ 20.00	\$ 7,500.00	-	-	187.50	\$ 3,750.00	\$ 3,750.00	50%	\$ 3,750.00		
3	EXCAVATION, CLASS 10	1,085	CY	\$ 20.00	\$ 21,700.00	868.00	17,360.00	976.50	\$ 19,530.00	\$ 19,530.00	90%	\$ 2,170.00		
4	BELOW GRADE EXCAVATION (CORE OUT)	230	CY	\$ 60.00	\$ 13,800.00	-	-	-	\$ -	\$ -	-	\$ 13,800.00		
5	SUBGRADE PREPARATION	5,515	SY	\$ 3.25	\$ 17,923.75	2,045.00	6,646.25	3,511.66	\$ 11,412.90	\$ 11,412.90	64%	\$ 6,510.85		
6	SUBGRADE TREATMENT, 15% POZZO STONE	560	TON	\$ 50.00	\$ 28,000.00	-	-	-	\$ -	\$ -	-	\$ 28,000.00		
7	SUBBASE, MODIFIED, 8"	5,515	SY	\$ 14.50	\$ 79,967.50	2,045.00	29,652.50	3,067.66	\$ 44,481.07	\$ 44,481.07	56%	\$ 35,486.43		
8	REPLACEMENT OF UNSUITABLE BACKFILL MATERIAL	200	CY	\$ 70.00	\$ 14,000.00	-	-	-	\$ -	\$ -	-	\$ 14,000.00		
9	SANITARY SEWER GRAVITY MAIN, TRENCHED, PVC TRUSS, 8"	20	LF	\$ 210.00	\$ 4,200.00	-	-	-	\$ -	\$ -	-	\$ 4,200.00		
10	SANITARY SEWER SERVICE STUB, PVC, 4"	1	EA	\$ 3,500.00	\$ 3,500.00	-	-	-	\$ -	\$ -	-	\$ 3,500.00		
11	STORM SEWER, TRENCHED, RCP, 15"	640	LF	\$ 85.00	\$ 54,400.00	632.00	53,720.00	632.00	\$ 53,720.00	\$ 53,720.00	99%	\$ 680.00		
12	STORM SEWER, TRENCHED, RCP, 18"	84	LF	\$ 140.00	\$ 11,760.00	90.00	12,600.00	90.00	\$ 12,600.00	\$ 12,600.00	107%	\$ (840.00)		
13	STORM SEWER, TRENCHED, RCP, 24"	99	LF	\$ 125.00	\$ 12,375.00	85.00	10,625.00	85.00	\$ 10,625.00	\$ 10,625.00	86%	\$ 1,750.00		
14	REMOVAL OF STORM SEWER, LESS THAN 36"	132	LF	\$ 25.00	\$ 3,300.00	132.00	3,300.00	132.00	\$ 3,300.00	\$ 3,300.00	100%	\$ -		
15	SUBDRAIN, HDPE, 6"	2,365	LF	\$ 25.00	\$ 59,125.00	1,080.00	27,000.00	1,948.50	\$ 48,712.50	\$ 48,712.50	82%	\$ 10,412.50		
16	SUBDRAIN CLEANOUT, TYPE A-1, 6"	11	EA	\$ 700.00	\$ 7,700.00	7.00	4,900.00	11.00	\$ 7,700.00	\$ 7,700.00	100%	\$ -		
17	SUBDRAIN OUTLETS AND CONNECTIONS, CMP, 6"	9	EA	\$ 350.00	\$ 3,150.00	7.00	2,450.00	9.00	\$ 3,150.00	\$ 3,150.00	100%	\$ -		
18	CONNECT TO SUBDRAIN PIPE	1	EA	\$ 125.00	\$ 125.00	-	-	-	\$ -	\$ -	-	\$ 125.00		
19	WATER MAIN, TRENCHED, C900 DR18 PVC, RESTRAINED	20	LF	\$ 100.00	\$ 2,000.00	20.00	2,000.00	20.00	\$ 2,000.00	\$ 2,000.00	100%	\$ -		
20	WATER MAIN, TRENCHED, C900 DR18 PVC, STAB JOINT, 8"	1,245	LF	\$ 75.00	\$ 93,375.00	1,245.00	93,375.00	1,245.00	\$ 93,375.00	\$ 93,375.00	100%	\$ -		
21	WATER MAIN, TRENCHED, C900 DR18 PVC, RESTRAINED	160	LF	\$ 85.00	\$ 13,600.00	160.00	13,600.00	160.00	\$ 13,600.00	\$ 13,600.00	100%	\$ -		
22	FITTING, 6"	120	LB	\$ 25.00	\$ 3,000.00	139.00	3,475.00	139.00	\$ 3,475.00	\$ 3,475.00	116%	\$ (475.00)		
23	FITTING, 8"	1,220	LB	\$ 15.00	\$ 18,300.00	1,220.00	18,300.00	1,220.00	\$ 18,300.00	\$ 18,300.00	100%	\$ -		
24	WATER SERVICE TRANSFER, COPPER, 1" (SAME SIDE)	13	EA	\$ 2,500.00	\$ 32,500.00	7.00	17,500.00	12.00	\$ 30,000.00	\$ 30,000.00	92%	\$ 2,500.00		
25	WATER SERVICE TRANSFER, COPPER, 1" (OPPOSITE SIDE)	13	EA	\$ 3,500.00	\$ 45,500.00	9.00	31,500.00	14.00	\$ 49,000.00	\$ 49,000.00	108%	\$ (3,500.00)		
26	WATER MAIN REMOVAL	150	LF	\$ 30.00	\$ 4,500.00	20.00	600.00	20.00	\$ 600.00	\$ 600.00	13%	\$ 3,900.00		
27	VALVE, GATE, DUCTILE IRON (DI), 6"	1	EA	\$ 2,400.00	\$ 2,400.00	1.00	2,400.00	1.00	\$ 2,400.00	\$ 2,400.00	100%	\$ -		
28	VALVE, GATE, DUCTILE IRON (DI), 8"	4	EA	\$ 3,100.00	\$ 12,400.00	2.00	6,200.00	2.00	\$ 6,200.00	\$ 6,200.00	50%	\$ 6,200.00		
29	FIRE HYDRANT ASSEMBLY	3	EA	\$ 8,000.00	\$ 24,000.00	2.00	16,000.00	2.00	\$ 16,000.00	\$ 16,000.00	67%	\$ 8,000.00		
30	FLUSHING DEVICE (BLOW OFF), MIN 2 IN DIAMETER,	3	EA	\$ 2,400.00	\$ 7,200.00	2.00	4,800.00	2.00	\$ 4,800.00	\$ 4,800.00	67%	\$ 2,400.00		
31	FIRE HYDRANT ASSEMBLY REMOVAL	3	EA	\$ 800.00	\$ 2,400.00	2.00	1,600.00	2.00	\$ 1,600.00	\$ 1,600.00	67%	\$ 800.00		
32	VALVE BOX REMOVAL	5	EA	\$ 400.00	\$ 2,000.00	4.00	1,600.00	4.00	\$ 1,600.00	\$ 1,600.00	80%	\$ 400.00		
33	TAP FEE, 1", REPLACEMENT TAP FOR WATER SERVICE	26	EA	\$ 450.00	\$ 11,700.00	16.00	7,200.00	16.00	\$ 7,200.00	\$ 7,200.00	62%	\$ 4,500.00		
34	PREPARE EXCAVATION FOR TAPPING SLEEVE AND VALVE	2	EA	\$ 2,200.00	\$ 4,400.00	1.00	2,200.00	1.00	\$ 2,200.00	\$ 2,200.00	50%	\$ 2,200.00		
35	FOUNDATION ROCK	50	TON	\$ 60.00	\$ 3,000.00	-	-	-	\$ -	\$ -	-	\$ 3,000.00		
36	STORM MANHOLE, SW-401, 48"	1	EA	\$ 6,500.00	\$ 6,500.00	1.00	6,500.00	1.00	\$ 6,500.00	\$ 6,500.00	100%	\$ -		
37	INTAKE, SW-503	1	EA	\$ 10,500.00	\$ 10,500.00	1.00	10,500.00	1.00	\$ 10,500.00	\$ 10,500.00	100%	\$ -		
38	INTAKE, SW-505	6	EA	\$ 10,500.00	\$ 63,000.00	6.00	63,000.00	6.00	\$ 63,000.00	\$ 63,000.00	100%	\$ -		
39	INTAKE, SW-508	1	EA	\$ 11,500.00	\$ 11,500.00	1.00	11,500.00	1.00	\$ 11,500.00	\$ 11,500.00	100%	\$ -		
40	INTAKE, SW-510, MODIFIED, 13' X 5'	1	EA	\$ 35,000.00	\$ 35,000.00	1.00	35,000.00	1.00	\$ 35,000.00	\$ 35,000.00	100%	\$ -		
41	MANHOLE ADJUSTMENT, MINOR	3	EA	\$ 1,600.00	\$ 4,800.00	2.00	3,200.00	2.00	\$ 3,200.00	\$ 3,200.00	67%	\$ 1,600.00		

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:City of Windsor Heights

Engineer:Bolton & Menk, Inc.

Contractor:All Star Concrete

Project:68th Street Reconstruction

Contract:Paving, Municipal

Owner's Project

Engineer's Project0A1.127880

Other Project No.:

Application No.:6

Application Period:From10/01/23to11/03/23

Application Date:11/20/23

A	B	C	D	E	F	F1	F2	G	H	J	K	L
Bid Item No.	Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Previous Estimate		Work Completed		Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (I / F) (%)	Balance to Finish (F - J) (\$)
						Quantity Previous Estimate	Value Previous Estimate	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)			
42	MANHOLE ADJUSTMENT, MAJOR	2	EA	\$ 3,700.00	\$ 7,400.00	2.00	7,400.00	2.00	\$ 7,400.00	\$ 7,400.00	100%	\$ -
43	REMOVE INTAKE	5	EA	\$ 800.00	\$ 4,000.00	5.00	4,000.00	5.00	\$ 4,000.00	\$ 4,000.00	100%	\$ -
44	PAVEMENT, PCC, 7"	4,280	SY	\$ 67.00	\$ 286,760.00	2,409.06	161,407.02	3,482.06	\$ 233,298.02	\$ 233,298.02	81%	\$ 53,461.98
45	PAVEMENT, PCC, 10"	35	SY	\$ 100.00	\$ 3,500.00	-	-	-	\$ -	\$ -		\$ 3,500.00
46	REMOVAL OF SIDEWALK	25	SY	\$ 22.00	\$ 550.00	-	-	-	\$ -	\$ -		\$ 550.00
47	REMOVAL OF DRIVEWAY	835	SY	\$ 17.00	\$ 14,195.00	835.00	14,195.00	835.00	\$ 14,195.00	\$ 14,195.00	100%	\$ -
48	SIDEWALK, PCC, 4"	560	SY	\$ 60.00	\$ 33,600.00	262.91	15,774.60	262.91	\$ 15,774.60	\$ 15,774.60	47%	\$ 17,825.40
49	SIDEWALK, PCC, 6"	25	SY	\$ 85.00	\$ 2,125.00	5.20	442.00	5.20	\$ 442.00	\$ 442.00	21%	\$ 1,683.00
50	DETECTABLE WARNING	20	SF	\$ 55.00	\$ 1,100.00	-	-	10.00	\$ 550.00	\$ 550.00	50%	\$ 550.00
51	DRIVEWAY, PAVED, PCC, 6"	885	SY	\$ 70.00	\$ 61,950.00	428.27	29,978.90	459.18	\$ 32,142.60	\$ 32,142.60	52%	\$ 29,807.40
52	DRIVEWAY, GRANULAR	250	TON	\$ 50.00	\$ 12,500.00	69.55	3,477.50	69.55	\$ 3,477.50	\$ 3,477.50	28%	\$ 9,022.50
53	PAVEMENT REMOVAL	4,075	SY	\$ 13.00	\$ 52,975.00	3,838.33	49,898.29	4,075.00	\$ 52,975.00	\$ 52,975.00	100%	\$ -
54	TEMPORARY TRAFFIC CONTROL	1	LS	\$ 13,850.00	\$ 13,850.00	0.80	11,080.00	0.90	\$ 12,465.00	\$ 12,465.00	90%	\$ 1,385.00
55	PERFORATED SQUARE STEEL TUBE POSTS	12	EA	\$ 600.00	\$ 7,200.00	4.00	2,400.00	4.00	\$ 2,400.00	\$ 2,400.00	33%	\$ 4,800.00
56	WATERING	25	MGAL	\$ 60.00	\$ 1,500.00	-	-	-	\$ -	\$ -		\$ 1,500.00
57	SOD	215	SQ	\$ 65.00	\$ 13,975.00	131.00	8,515.00	131.00	\$ 8,515.00	\$ 8,515.00	61%	\$ 5,460.00
58	SWPPP PREPARATION	1	LS	\$ 1,500.00	\$ 1,500.00	1.00	1,500.00	1.00	\$ 1,500.00	\$ 1,500.00	100%	\$ -
59	SWPPP MANAGEMENT	1	LS	\$ 2,100.00	\$ 2,100.00	0.60	1,260.00	0.60	\$ 1,260.00	\$ 1,260.00	60%	\$ 840.00
60	FILTER SOCK, 8"	2,450	LF	\$ 2.00	\$ 4,900.00	245.00	490.00	245.00	\$ 490.00	\$ 490.00	10%	\$ 4,410.00
61	STABILIZED CONSTRUCTION ENTRANCE	100	SY	\$ 15.00	\$ 1,500.00	-	-	-	\$ -	\$ -		\$ 1,500.00
62	EROSION CONTROL MULCHING, HYDRO MULCHING	0.45	AC	\$ 3,000.00	\$ 1,350.00	-	-	-	\$ -	\$ -		\$ 1,350.00
63	INLET PROTECTION DEVICE, MAINTENANCE, AND REMOVAL	15	EA	\$ 200.00	\$ 3,000.00	9.00	1,800.00	9.00	\$ 1,800.00	\$ 1,800.00	60%	\$ 1,200.00
64	MODULAR BLOCK RETAINING WALL	250	SF	\$ 50.00	\$ 12,500.00	68.31	3,415.50	68.31	\$ 3,415.50	\$ 3,415.50	27%	\$ 9,084.50
65	MOBILIZATION	1	LS	\$ 499,000.00	\$ 499,000.00	0.50	249,500.00	1.00	\$ 499,000.00	\$ 499,000.00	100%	\$ -
66	MAINTENANCE OF POSTAL SERVICE	1	LS	\$ 3,000.00	\$ 3,000.00	0.50	1,500.00	0.75	\$ 2,250.00	\$ 2,250.00	75%	\$ 750.00
67	MAINTENANCE OF SOLID WASTE COLLECTION	1	LS	\$ 13,200.00	\$ 13,200.00	0.50	6,600.00	0.75	\$ 9,900.00	\$ 9,900.00	75%	\$ 3,300.00
68	TEMPORARY PEDESTRIAN RESIDENTIAL ACCESS	1	LS	\$ 75,000.00	\$ 75,000.00	0.80	60,000.00	0.80	\$ 60,000.00	\$ 60,000.00	80%	\$ 15,000.00
69	CONCRETE WASHOUT	1	LS	\$ 2,600.00	\$ 2,600.00	0.60	1,560.00	0.60	\$ 1,560.00	\$ 1,560.00	60%	\$ 1,040.00
70	CURBSIDE MAILBOX	26	EA	\$ 800.00	\$ 20,800.00	21.50	17,200.00	21.50	\$ 17,200.00	\$ 17,200.00	83%	\$ 3,600.00
Original Contract Totals					\$ 1,922,231.25		\$ 1,182,197.56		\$ 1,595,541.69	\$ 1,595,541.69	83%	\$ 326,689.56
Change Orders												
					-				-	-		-
					-				-	-		-
Change Order Totals					\$ -				\$ -	\$ -		\$ -
Original Contract and Change Orders												
Project Totals					\$ 1,922,231.25				\$ 1,595,541.69	\$ 1,595,541.69	83%	\$ 326,689.56



**STAFF REPORT
CITY COUNCIL**
November 20, 2023

TO: CITY COUNCIL

FROM: Mike Jones, Mayor

SUBJECT: Resolution Appointing Carole Tillotson and Paul Walter to the Board of Adjustment

GENERAL INFORMATION

The Board of Adjustment currently has vacancies following the resignation/retirement of two members. The City solicited applications for candidates via social media, posted a form on the City's webpage and I asked City Council to provide me with any persons they felt were good candidates for the Board. Following this, I am nominating Carole Tillotson and Paul Walter for Council's approval. Ms. Tillotson is a former Council member, former P&Z member and former commercial real estate agent. Mr. Walter is a REALTOR, former county attorney and former city attorney for the city of Clinton, Iowa. Both are excellent candidates and have beyond the qualifications for appointment to the Board of Adjustment.

SUMMARY

I would ask Council to approve the Resolution Appointing Carole Tillotson and Paul Walter to the Board of Adjustment.

ATTACHMENTS

1. None

RESOLUTION NO. 2023-58

**RESOLUTION APPOINTING CAROLE TILLOTSON AND PAUL WALTER TO THE
BOARD OF ADJUSTMENT**

WHEREAS, Chapter 179 of the City Code of Windsor Heights authorizes the creation of a Board of Adjustment to conduct administrative reviews of decisions made by the Zoning Administrator and to hear and decide on Conditional Use Permits, appeals, and requests for special exceptions and variances to the Windsor Heights Zoning Code; and

WHEREAS, the Board of Adjustment is made up of five persons, appointed by City Council, who pursuant to Iowa Code 392.12, serve five-year terms; and

WHEREAS, the Board of Adjustment currently has vacancies and Mayor Jones has nominated two qualified individuals, Carole Tillotson and Paul Walter, to serve.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Windsor Heights, Iowa that Carole Tillotson and Paul Walter are appointed to serve on the Board of Adjustment with their five-year terms beginning on December 31st, 2023.

Passed and approved this 20th day of November, 2023.

Mike Jones, Mayor

Attest: Adam Strait, City Clerk



**BOLTON
& MENK**

Real People. Real Solutions.

430 E Grand Avenue
Suite 101
Des Moines, IA 50309

Ph: (515) 259-9190
Fax: (515) 233-4430
Bolton-Menk.com

November 14, 2023

Adam Plagge
City Administrator
1145 66th Street, Suite 1
Windsor Heights, Iowa 50324

RE: College Drive Improvements
Windsor Heights, Iowa
Change Order 005

Dear Mr. Plagge:

Submitted for your approval is Change Order 005 for the above-mentioned project. Change Order 005 includes the balancing of the used and unused quantities per actual work completed. The change order finalizes the total contract amount for the project. The original contract value of \$1,969,896.00 will be decreased by \$180,996.50 for a final contract value of \$1,828,246.30. Please see the Change Order 005 for a full summary of the change items.

Bolton & Menk, Inc. recommends the approval of Change Order 005.

Upon approval of Change Order 005, please sign in the space provided. Return one executed copy of the change order to our office and one executed copy of the change order to Absolute Concrete Construction.

If you have any questions or comments, please contact me at 515-259-9190.

Sincerely,

Bolton & Menk, Inc.

Justin Ernst, P.E.
Project Manager

Enclosure

CHANGE ORDER

No. 005

PROJECT: College Drive Improvements

OWNER: City of Windsor Heights

ENGINEER'S Project No.: A13.118668

CONTRACTOR: Absolute Concrete Construction

ENGINEER: Bolton & Menk, Inc.

You are directed to make the following changes in the Contract Documents.

Description:

Project quantity change.

Reason for Change Order:

Adjusting quantities due to project being finalized.

Attachments: (List documents supporting change)

Table with all quantities that are being adjusted.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price <u>\$1,969,869.00</u>	Original Contract Times November 27, 2020
Net changes from previous Change Orders No.0 to No.4 <u>\$39,373.80</u>	Net changes from previous Change Orders No.0 to No.4 72 working days in the Spring 2021
Contract Price Prior to this Change Order <u>\$2,009,242.80</u>	Contract Times prior to this Change Order 0
Net <u>Decrease</u> of this Change Order <u>\$-180,996.50</u>	Net Increase of this Change Order 0 working days
Contract Price with all approved Change Orders <u>\$1,828,246.30</u>	Contract Times with all approved Change Orders 72 working days in Spring 2021

RECOMMENDED:

By: Justin Ewald
Engineer (Authorized Signature)

Date: 11/14/2023

APPROVED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: G. H. H. H.
Contractor (Authorized Signature)

Date: 11/13/23

EJCDC No. 1910C8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

City of Windsor Heights
College Drive Improvements

Change Order 005
Page 1

QUANTITY RECONCILIATION

Item	Description	Unit	Unit Price	Quantity Adjustment	Value Adjustment
3	EXCAVATION, CLASS 10	CY	\$ 4.00	827.00	\$3,308.00
4	SUBGRADE PREPARATION	SY	\$ 3.00	(4,230.00)	(\$12,690.00)
5	SUBGRADE TREATMENT, GEO-GRID	SY	\$ 2.25	(3,371.50)	(\$7,585.88)
7	SURFACE AGGREGATE	TON	\$ 47.50	(15.19)	(\$721.53)
8	REPLACEMENT OF UNSUITABLE BACKFILL MATERIAL	CY	\$ 106.00	(200.00)	(\$21,200.00)
9	SANITARY SEWER GRAVITY MAIN, TRENCHED, SOLID WALL PVC SDR 26, 8 IN.	LF	\$ 280.00	(36.00)	(\$10,080.00)
10	SANITARY SEWER GRAVITY MAIN, TRENCHLESS, SOLID WALL PVC SDR 26, 10 IN.	LF	\$ 265.00	(7.13)	(\$1,889.45)
11	SANITARY SEWER SERVICE RELOCATION	EA	\$ 5,000.00	(2.00)	(\$10,000.00)
12	SANITARY SEWER SERVICE RELOCATION (STORM)	EA	\$ 5,000.00	(1.00)	(\$5,000.00)
14	TELEWISE EXISTING SANITARY SEWER	LF	\$ 6.00	(7.00)	(\$42.00)
15	STORM SEWER, TRENCHED, RCP, 15 IN.	LF	\$ 134.00	(2.00)	(\$268.00)
18	STORM SEWER, TRENCHED, RCP, 42 IN.	LF	\$ 220.00	(72.00)	(\$15,840.00)
19	REMOVAL OF STORM SEWER	LF	\$ 48.00	(175.00)	(\$8,400.00)
20	TELEWISE EXISTING STORM SEWER	LF	\$ 6.00	(264.20)	(\$1,585.20)
24	PIPE APRON, RCP, 42 IN.	EA	\$ 21.00	761.00	\$15,981.00
25	SUBDRAIN, TYPE 1, SOLID HDPE, 6 IN.	LF	\$ 18.00	95.00	\$1,710.00
26	SUBDRAIN CLEANOUT, TYPE A-1, 6 IN.	EA	\$ 850.00	(1.00)	(\$850.00)
28	CONNECTION TO SUBDRAIN PIPE	EA	\$ 350.00	(5.00)	(\$1,750.00)
29	SPOT REPAIRS BY PIPE REPLACEMENT, 10", SDR 26	LF	\$ 530.00	4.33	\$2,294.90
30	8" C900 DR18 PVC PIPE WITH TRACER WIRE	LF	\$ 67.00	15.00	\$1,005.00
31	8" C900 DR18 PVC RESTRAINED JOINT PIPE WITH TRACER WIRE	LF	\$ 77.00	(84.00)	(\$6,468.00)
33	FITTING, 6" BEND	EA	\$ 600.00	(3.00)	(\$1,800.00)
34	FITTING, 8" BEND	EA	\$ 650.00	4.00	\$2,600.00
36	FITTING, 6" SOLID SLEEVE	EA	\$ 600.00	(2.00)	(\$1,200.00)
37	FITTING, 8" SOLID SLEEVE	EA	\$ 655.00	1.00	\$655.00
41	FITTING, 6" CAP/PLUG	EA	\$ 750.00	(2.00)	(\$1,500.00)
42	FITTING, 6" CAP/PLUG WITH MIN. 2" BLOWOFF	EA	\$ 2,500.00	(2.00)	(\$5,000.00)
43	FITTING, 8" CAP/PLUG	EA	\$ 800.00	(1.00)	(\$800.00)
46	HYDRANT ASSEMBLY	EA	\$ 5,700.00	(1.00)	(\$5,700.00)
48	NEW 1" WATER SERVICE (OPPOSITE SIDE)	EA	\$ 3,200.00	(1.00)	(\$3,200.00)
49	REMOVE EX 8" CONTROL VALVE & 8" BLOW-OFF PIPING	EA	\$ 1,800.00	(1.00)	(\$1,800.00)
50	TYPE 1 WATER MAIN ALTERATION (VERTICAL)	EA	\$ 10,500.00	(4.00)	(\$42,000.00)
51	TYPE 2 WATER MAIN ALTERATION (HORIZONTAL)	EA	\$ 8,000.00	(5.00)	(\$40,000.00)
52	RELOCATE WATER SERVICE STOP BOX	EA	\$ 2,000.00	(1.00)	(\$2,000.00)
53	NEW STOP BOX HOUSING	EA	\$ 450.00	(9.00)	(\$4,050.00)
54	NEW STOP BOX ROD	EA	\$ 450.00	(9.00)	(\$4,050.00)
55	CHECK DEPTH OF WATER SERVICE	EA	\$ 450.00	(1.00)	(\$450.00)
56	RELOCATION OF WATER SERVICE	EA	\$ 3,500.00	(1.00)	(\$3,500.00)
57	LOWER WATER SERVICE	EA	\$ 3,000.00	(1.00)	(\$3,000.00)
58	LOWER WATER SERVICE WITH COPPER	EA	\$ 3,000.00	(1.00)	(\$3,000.00)
59	POLYSTYRENE INSULATION, 2 IN.	AF	\$ 3.80	14.00	\$53.20
60	VALVE BOX EXTENSION	EA	\$ 550.00	(9.00)	(\$4,950.00)
75	REMOVAL OF SIDEWALK	SY	\$ 14.00	(14.20)	(\$198.80)
80	DRIVEWAY, PAVED, TYPE A, 6 IN.	SY	\$ 50.00	2.60	\$130.00
81	PAVEMENT REMOVAL	SY	\$ 9.50	61.80	\$587.10
82	PAINTED PAVEMENT MARKINGS, SOLVENT/WATERBORNE	STA	\$ 325.00	(1.80)	(\$585.00)
83	PAINTED PAVEMENT MARKINGS, DURABLE	STA	\$ 1,300.00	0.46	\$598.00
87	HYDRAULIC SEEDING, SEEDING, FERTILIZING, AND MULCHING	AC	\$ 8,000.00	1.07	\$8,560.00
88	WATERING	MGAL	\$ 60.00	86.60	\$5,196.00
91	FILTER SOCK, 9 IN.	LF	\$ 3.00	52.00	\$156.00
92	TEMPORARY RECP, 3A	SY	\$ 5.00	(100.00)	(\$500.00)
93	RIP RAP, CLASS 'E' REVETMENT	TON	\$ 72.00	(12.40)	(\$892.80)
94	EROSION CONTROL MULCHING, HYDROMULCHING	AC	\$ 1,500.00	0.40	\$600.00
95	INLET PROTECTION DEVICE, MAINTENANCE, AND REMOVAL	EA	\$ 200.00	11.00	\$2,200.00
96	REMOVAL OF FENCE	LF	\$ 40.00	22.00	\$880.00

QUANTITY RECONCILIATION

Item	Description	Unit	Unit Price	Quantity Adjustment	Value Adjustment
104	FOUNDATION ROCK	TON	\$ 63.00	(6.50)	(\$409.50)
105	MANUFACTURED SAND	TON	\$ 54.00	(22.20)	(\$1,198.80)
A-1	PAVEMENT, PCC, 7 IN.	SY	\$ 54.50	158.61	\$8,644.25
					\$ -
TOTAL					\$ 180,996.50



**BOLTON
& MENK**

Real People. Real Solutions.

430 E Grand Avenue
Suite 101
Des Moines, IA 50309

Ph: (515) 259-9190
Fax: (515) 233-4430
Bolton-Menk.com

November 15, 2023

Adam Plagge
City Administrator
1145 66th Street, Suite 1
Windsor Heights, Iowa 50324

RE: College Drive Improvements
Windsor Heights, Iowa
Contractor Pay Request No. 17 - Final

Submitted for your approval is Pay Request No. 17 for work completed on the College Drive Improvements project, under the contract between the City of Windsor Heights and Absolute Concrete Construction. We have checked the pay request and recommend payment to Absolute Concrete Construction in the amount of \$36,564.93.

Bolton & Menk, Inc. recommends the approval of Pay Request 17. This will be the final pay request for the project.

Upon approval of Pay Request No. 17, please sign in the space provided. Return one executed copy of the pay estimate to our office and one executed copy of the pay request to Absolute Concrete Construction with payment.

If you have any questions or comments, please contact me at 515-259-9190.

Sincerely,

Bolton & Menk, Inc.

Justin Ernst, P.E.
Project Manager

Enclosure

CONTRACTOR'S PAY REQUEST		DISTRIBUTION:	
City of Windsor Heights		CONTRACTOR (1)	
College Drive Improvements		OWNER (1)	
Windsor Heights, IA		ENGINEER (1)	
BMI PROJECT NO.A13.118668			
TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS		\$1,828,246.30	
TOTAL, COMPLETED WORK TO DATE		\$1,828,246.30	
RETAINED PERCENTAGE (0%)		\$0.00	
TOTAL AMOUNT OF OTHER PAYMENTS OR (DEDUCTIONS)		\$0.00	
NET AMOUNT DUE TO CONTRACTOR TO DATE		\$1,828,246.30	
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES		\$1,791,681.37	
PAY CONTRACTOR AS ESTIMATE NO. 17 - FINAL		\$36,564.93	
Certificate for Final Payment I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the amount for the Final Estimate, that applicable provisions of the Iowa Administrative Code have been complied with and that all claims against me by reason of the Contract have been paid or satisfactorily secured. Contractor: Absolute Concrete Construction 1000 West 6th Avenue Slater, IA 50244 By <u>Eli Hartog</u> Name <u>PM</u> Title Date <u>11/13/23</u> Approved _____ Contractor's Surety			
CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT: ENGINEER: BOLTON & MENK, INC., ENGINEERS, 309 E 5th Street, Des Moines, IA 50309 By <u>Justin Ernal</u>, PROJECT ENGINEER Date <u>11/14/2023</u>			
APPROVED FOR PAYMENT: OWNER: By _____ Title _____ Date _____ And _____ Title _____ Date _____			

Partial Pay Estimate No.:

City of Windsor Heights
College Drive Improvements
Windsor Heights, IA
BMI PROJECT NO.A13.118668
WORK COMPLETED THROUGH DATE NOVEMBER 9, 2023

17 - FINAL

ITEM NO.	SUDAS REF NO.	ITEM	UNIT PRICE	AS BID		PREVIOUS ESTIMATE		COMPLETED TO DATE	
				ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT
1	0	CLEARING AND GRUBBING	\$1,500.00	1	LS	1.0	LS	1.00	LS
2	0	TOPSOIL, ON-SITE	\$10.25	807	CY	807.0	CY	807.00	CY
3	0	EXCAVATION, CLASS 10	\$4.00	570	CY	1397.0	CY	1,397.00	CY
4	0	SUBGRADE PREPARATION	\$3.00	9430	SY	5200.0	SY	5,200.00	SY
5	0	SUBGRADE TREATMENT, GEO-GRID	\$2.25	4715	SY	1343.5	SY	1,343.50	SY
6	0	SUBBASE, MODIFIED, 6 IN.	\$9.00	9430	SY	9430.0	SY	9,430.00	SY
7	0	SURFACE AGGREGATE	\$47.50	100	TON	84.8	TON	84.81	TON
8	0	REPLACEMENT OF UNSUITABLE BACKFILL MATERIAL	\$106.00	200	CY	0.0	CY	0.00	CY
9	0	SANITARY SEWER GRAVITY MAIN, TRENCHED, SOLID WALL PVC SDR 26, 8 IN.	\$280.00	44	LF	56.9	LF	56.87	LF
10	0	SANITARY SEWER GRAVITY MAIN, TRENCHLESS, SOLID WALL PVC SDR 26, 10	\$265.00	64	LF	56.9	LF	56.87	LF
11	0	SANITARY SEWER SERVICE RELOCATION	\$5,000.00	5	EA	3.0	EA	3.00	EA
12	0	SANITARY SEWER SERVICE RELOCATION (STORM)	\$5,000.00	1	EA	0.0	EA	0.00	EA
13	0	CONNECTION TO EXISTING SANITARY SEWER	\$775.00	9	EA	9.0	EA	9.00	EA
14	0	TELEWISE EXISTING SANITARY SEWER	\$6.00	175	LF	168.0	LF	168.00	LF
15	0	STORM SEWER, TRENCHED, RCP, 15 IN.	\$134.00	726	LF	724.0	LF	724.00	LF
16	0	STORM SEWER, TRENCHED, RCP, 18 IN.	\$180.00	83	LF	83.0	LF	83.00	LF
17	0	STORM SEWER, TRENCHED, RCP, 24 IN.	\$165.00	402	LF	402.0	LF	402.00	LF
18	0	STORM SEWER, TRENCHED, RCP, 42 IN.	\$220.00	284	LF	212.0	LF	212.00	LF
19	0	REMOVAL OF STORM SEWER	\$48.00	285	LF	110.0	LF	110.00	LF
20	0	TELEWISE EXISTING STORM SEWER	\$6.00	500	LF	235.8	LF	235.80	LF
21	0	PIPE APRON, RCP, 42 IN.	\$3,750.00	1	EA	1.0	EA	1.00	EA
22	0	FOOTING FOR CONCRETE PIPE APRON, RCP, 42 IN.	\$1,800.00	1	EA	1.0	EA	1.00	EA
23	0	PIPE APRON GUARD	\$2,600.00	1	EA	1.0	EA	1.00	EA
24	0	SUBDRAIN, TYPE 1, PERFORATED HDPE, 6 IN.	\$21.00	2205	LF	2966.0	LF	2,966.00	LF
25	0	SUBDRAIN, TYPE 1, SOLID HDPE, 6 IN.	\$18.00	75	LF	170.0	LF	170.00	LF
26	0	SUBDRAIN CLEANOUT, TYPE A-1, 6 IN.	\$850.00	9	EA	8.0	EA	8.00	EA
27	0	SUBDRAIN OUTLETS AND CONNECTIONS, CMP, 6 IN.	\$350.00	9	EA	9.0	EA	9.00	EA
28	0	CONNECTION TO SUBDRAIN PIPE	\$350.00	5	EA	0.0	EA	0.00	EA
29	0	SPOT REPAIRS BY PIPE REPLACEMENT, 10", SDR 26	\$530.00	20	LF	24.3	LF	24.33	LF
30	0	8" C900 DR18 PVC PIPE WITH TRACER WIRE	\$67.00	734	LF	749.0	LF	749.00	LF
31	0	8" C900 DR18 PVC RESTRAINED JOINT PIPE WITH TRACER WIRE	\$77.00	84	LF	0.0	LF	0.00	LF
32	0	12" C900 PVC CASING PIPE	\$430.00	20	LF	20.0	LF	20.00	LF
33	0	FITTING, 6" BEND	\$600.00	8	EA	5.0	EA	5.00	EA
34	0	FITTING, 8" BEND	\$650.00	1	EA	5.0	EA	5.00	EA
35	0	FITTING, 8" X 6" REDUCER	\$600.00	2	EA	1.0	EA	1.00	EA
36	0	FITTING, 6" SOLID SLEEVE	\$655.00	2	EA	3.0	EA	3.00	EA
37	0	FITTING, 8" SOLID SLEEVE	\$900.00	2	EA	2.0	EA	2.00	EA
38	0	FITTING, 6" X 6" TEE	\$950.00	2	EA	2.0	EA	2.00	EA
39	0	FITTING, 8" X 6" TEE	\$1,000.00	1	EA	1.0	EA	1.00	EA
40	0	FITTING, 8" X 8" TEE	\$1,000.00	1	EA	1.0	EA	1.00	EA

Partial Pay Estimate No.:

17 - FINAL

City of Windsor Heights
College Drive Improvements
Windsor Heights, IA
BMI PROJECT NO.A13.118668
WORK COMPLETED THROUGH DATE NOVEMBER 9, 2023

ITEM NO.	SUDAS REF NO.	ITEM	UNIT PRICE	AS BID		PREVIOUS ESTIMATE		COMPLETED TO DATE	
				ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT
41	0	FITTING, 6" CAP/PLUG	\$750.00	4 EA	\$3,000.00	2.0 EA	\$1,500.00	2.00 EA	\$1,500.00
42	0	FITTING, 6" CAP/PLUG WITH MIN. 2" BLOWOFF	\$2,500.00	3 EA	\$7,500.00	1.0 EA	\$2,500.00	1.00 EA	\$2,500.00
43	0	FITTING, 8" CAP/PLUG	\$800.00	2 EA	\$1,600.00	1.0 EA	\$800.00	1.00 EA	\$800.00
44	0	6" VALVE	\$2,000.00	3 EA	\$6,000.00	3.0 EA	\$6,000.00	3.00 EA	\$6,000.00
45	0	8" VALVE	\$2,500.00	2 EA	\$5,000.00	2.0 EA	\$5,000.00	2.00 EA	\$5,000.00
46	0	HYDRANT ASSEMBLY	\$5,700.00	4 EA	\$22,800.00	3.0 EA	\$17,100.00	3.00 EA	\$17,100.00
47	0	NEW 1" WATER SERVICE (SAME SIDE)	\$2,000.00	1 EA	\$2,000.00	1.0 EA	\$2,000.00	1.00 EA	\$2,000.00
48	0	NEW 1" WATER SERVICE (OPPOSITE SIDE)	\$3,200.00	9 EA	\$28,800.00	8.0 EA	\$25,600.00	8.00 EA	\$25,600.00
49	0	REMOVE EX 8" CONTROL VALVE & 8" BLOW-OFF PIPING	\$1,800.00	1 EA	\$1,800.00	0.0 EA	\$0.00	0.00 EA	\$0.00
50	0	TYPE 1 WATER MAIN ALTERATION (VERTICAL)	\$10,500.00	5 EA	\$52,500.00	1.0 EA	\$10,500.00	1.00 EA	\$10,500.00
51	0	TYPE 2 WATER MAIN ALTERATION (HORIZONTAL)	\$8,000.00	6 EA	\$48,000.00	1.0 EA	\$8,000.00	1.00 EA	\$8,000.00
52	0	RELOCATE WATER SERVICE STOP BOX	\$2,000.00	1 EA	\$2,000.00	0.0 EA	\$0.00	0.00 EA	\$0.00
53	0	NEW STOP BOX HOUSING	\$450.00	9 EA	\$4,050.00	0.0 EA	\$0.00	0.00 EA	\$0.00
54	0	NEW STOP BOX ROD	\$450.00	9 EA	\$4,050.00	0.0 EA	\$0.00	0.00 EA	\$0.00
55	0	CHECK DEPTH OF WATER SERVICE	\$450.00	1 EA	\$450.00	0.0 EA	\$0.00	0.00 EA	\$0.00
56	0	RELOCATION OF WATER SERVICE	\$3,500.00	1 EA	\$3,500.00	0.0 EA	\$0.00	0.00 EA	\$0.00
57	0	LOWER WATER SERVICE	\$3,000.00	1 EA	\$3,000.00	0.0 EA	\$0.00	0.00 EA	\$0.00
58	0	LOWER WATER SERVICE WITH COPPER	\$3,000.00	1 EA	\$3,000.00	0.0 EA	\$0.00	0.00 EA	\$0.00
59	0	POLYSTYRENE INSULATION, 2 IN.	\$3.80	50 SF	\$190.00	64.0 SF	\$243.20	64.00 SF	\$243.20
60	0	VALVE BOX EXTENSION	\$550.00	16 EA	\$8,800.00	7.0 EA	\$3,850.00	7.00 EA	\$3,850.00
61	0	SANITARY MANHOLE, SW-301, 48 IN. (<10 FT DEEP)	\$9,500.00	1 EA	\$9,500.00	1.0 EA	\$9,500.00	1.00 EA	\$9,500.00
62	0	SANITARY MANHOLE, SW-301, 48 IN. (>10 FT DEEP)	\$15,800.00	1 EA	\$15,800.00	1.0 EA	\$15,800.00	1.00 EA	\$15,800.00
63	0	STORM MANHOLE, SW-401, 60 IN. DIA.	\$9,800.00	1 EA	\$9,800.00	1.0 EA	\$9,800.00	1.00 EA	\$9,800.00
64	0	STORM MANHOLE, SW-401, 96 IN. DIA.	\$20,000.00	2 EA	\$40,000.00	2.0 EA	\$40,000.00	2.00 EA	\$40,000.00
65	0	INTAKE, SW-501	\$3,700.00	7 EA	\$25,900.00	7.0 EA	\$25,900.00	7.00 EA	\$25,900.00
66	0	INTAKE, SW-505	\$5,200.00	6 EA	\$31,200.00	6.0 EA	\$31,200.00	6.00 EA	\$31,200.00
67	0	INTAKE, SW-506	\$9,800.00	2 EA	\$19,600.00	2.0 EA	\$19,600.00	2.00 EA	\$19,600.00
68	0	INTAKE, SW-507	\$7,000.00	2 EA	\$14,000.00	2.0 EA	\$14,000.00	2.00 EA	\$14,000.00
69	0	INTAKE, SW-509	\$7,200.00	1 EA	\$7,200.00	1.0 EA	\$7,200.00	1.00 EA	\$7,200.00
70	0	INTAKE, SW-541	\$6,000.00	1 EA	\$6,000.00	1.0 EA	\$6,000.00	1.00 EA	\$6,000.00
71	0	MANHOLE ADJUSTMENT, MINOR	\$2,800.00	8 EA	\$22,400.00	8.0 EA	\$22,400.00	8.00 EA	\$22,400.00
72	0	CONNECTION TO EXISTING MANHOLE	\$7,500.00	1 EA	\$7,500.00	1.0 EA	\$7,500.00	1.00 EA	\$7,500.00
73	0	REMOVE MANHOLE	\$1,300.00	2 EA	\$2,600.00	2.0 EA	\$2,600.00	2.00 EA	\$2,600.00
74	0	REMOVE INTAKE	\$850.00	5 EA	\$4,250.00	5.0 EA	\$4,250.00	5.00 EA	\$4,250.00
75	0	REMOVAL OF SIDEWALK	\$14.00	941 SY	\$13,174.00	926.8 SY	\$12,975.20	926.80 SY	\$12,975.20
76	0	REMOVAL OF DRIVEWAY	\$12.50	900 SY	\$11,250.00	900.0 SY	\$11,250.00	900.00 SY	\$11,250.00
77	0	SIDEWALK, PCC, 4 IN.	\$40.00	1162 SY	\$46,480.00	1162.0 SY	\$46,480.00	1,162.00 SY	\$46,480.00
78	0	SIDEWALK, PCC, 6 IN.	\$60.00	94 SY	\$5,640.00	94.0 SY	\$5,640.00	94.00 SY	\$5,640.00
79	0	DETECTABLE WARNING	\$42.00	216 SF	\$9,072.00	216.0 SF	\$9,072.00	216.00 SF	\$9,072.00
80	0	DRIVEWAY, PAVED, TYPE A, 6 IN.	\$50.00	895 SY	\$44,750.00	897.6 SY	\$44,880.00	897.60 SY	\$44,880.00

Partial Pay Estimate No.:

17 - FINAL

City of Windsor Heights
College Drive Improvements
Windsor Heights, IA
BMI PROJECT NO.A13.118668
WORK COMPLETED THROUGH DATE NOVEMBER 9, 2023

ITEM NO.	SUDAS REF NO.	ITEM	UNIT PRICE	AS BID		PREVIOUS ESTIMATE		COMPLETED TO DATE	
				ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT
81	0	PAVEMENT REMOVAL	\$9.50	7905 SY	\$75,097.50	7966.8 SY	\$75,684.60	7,966.80 SY	\$75,684.60
82	0	PAINTED PAVEMENT MARKINGS, SOLVENT/WATERBORNE	\$325.00	8 STA	\$2,600.00	6.2 STA	\$2,015.00	6.20 STA	\$2,015.00
83	0	PAINTED PAVEMENT MARKINGS, DURABLE	\$1,300.00	5 STA	\$6,500.00	5.5 STA	\$7,098.00	5.46 STA	\$7,098.00
84	0	TEMPORARY TRAFFIC CONTROL	\$15,000.00	1 LF	\$15,000.00	1.0 LF	\$15,000.00	1.00 LF	\$15,000.00
85	0	SALVAGE AND REINSTALL SIGN	\$250.00	14 EA	\$3,500.00	14.0 EA	\$3,500.00	14.00 EA	\$3,500.00
86	0	TYPE A SIGN, SHEET ALUMINUM	\$150.00	4 EA	\$600.00	4.0 EA	\$600.00	4.00 EA	\$600.00
87	0	HYDRAULIC SEEDING, SEEDING, FERTILIZING, AND MULCHING	\$8,000.00	1.1 AC	\$8,800.00	2.2 AC	\$17,360.00	2.17 AC	\$17,360.00
88	0	WATERING	\$60.00	0.4 MGAL	\$24.00	87.0 MGAL	\$5,220.00	87.00 MGAL	\$5,220.00
89	0	SWPPP PREPARATION	\$1,250.00	1 LS	\$1,250.00	1.0 LS	\$1,250.00	1.00 LS	\$1,250.00
90	0	SWPPP MANAGEMENT	\$3,500.00	1 LS	\$3,500.00	1.0 LS	\$3,500.00	1.00 LS	\$3,500.00
91	0	FILTER SOCK, 9 IN.	\$3.00	6250 LF	\$18,750.00	6302.0 LF	\$18,906.00	6,302.00 LF	\$18,906.00
92	0	TEMPORARY RECIP. 3A	\$5.00	100 SY	\$500.00	0.0 SY	\$0.00	0.00 SY	\$0.00
93	0	RIP RAP, CLASS 'E' REVETMENT	\$72.00	65 TON	\$4,680.00	52.6 TON	\$3,787.20	52.60 TON	\$3,787.20
94	0	EROSION CONTROL MULCHING, HYDROMULCHING	\$1,500.00	1.1 AC	\$1,650.00	1.5 AC	\$2,250.00	1.50 AC	\$2,250.00
95	0	INLET PROTECTION DEVICE, MAINTENANCE, AND REMOVAL	\$200.00	21 EA	\$4,200.00	32.0 EA	\$6,400.00	32.00 EA	\$6,400.00
96	0	REMOVAL OF FENCE	\$40.00	10 LF	\$400.00	32.0 LF	\$1,280.00	32.00 LF	\$1,280.00
97	0	MOBILIZATION	\$128,000.00	1 LS	\$128,000.00	1.0 LS	\$128,000.00	1.00 LS	\$128,000.00
98	0	MAINTENANCE OF POSTAL SERVICE	\$6,000.00	1 LS	\$6,000.00	1.0 LS	\$6,000.00	1.00 LS	\$6,000.00
99	0	MAINTENANCE OF SOLID WASTE COLLECTION	\$6,000.00	1 LS	\$6,000.00	1.0 LS	\$6,000.00	1.00 LS	\$6,000.00
100	0	RESIDENT COURTESY CART	\$15,000.00	1 LS	\$15,000.00	1.0 LS	\$15,000.00	1.00 LS	\$15,000.00
101	0	CURBIDE MAILBOX	\$418.90	15 EA	\$6,283.50	15.0 EA	\$6,283.50	15.00 EA	\$6,283.50
102	0	TREE TRUNK PROTECTION	\$450.00	3 EA	\$1,350.00	3.0 EA	\$1,350.00	3.00 EA	\$1,350.00
103	0	TREE PROTECTION FENCE	\$63.00	300 LF	\$1,350.00	300.0 LF	\$1,350.00	300.00 LF	\$1,350.00
104	0	FOUNDATION ROCK	\$54.00	50 TON	\$2,700.00	43.5 TON	\$2,740.50	43.50 TON	\$2,740.50
105	0	MANUFACTURED SAND	\$54.50	50 TON	\$2,700.00	27.8 TON	\$1,501.20	27.80 TON	\$1,501.20
A-1	0	PAVEMENT, PCC, 7 IN.	\$452.0775	8453.6 SY	\$452,077.50	8453.6 SY	\$452,077.50	8,453.61 SY	\$452,077.50
A-2	0	CONCRETE WASHOUT	\$3,500.00	1 LS	\$3,500.00	1.0 LS	\$3,500.00	1.00 LS	\$3,500.00
CO 001	0	CHANGE ORDER 001	\$14,380.70	1 LS	\$14,380.70	1.0 LS	\$14,380.70	1.00 LS	\$14,380.70
CO 003	0	CHANGE ORDER 003	\$24,159.85	1 LS	\$24,159.85	1.0 LS	\$24,159.85	1.00 LS	\$24,159.85
CO 004	0	CHANGE ORDER 004	\$833.25	1 LF	\$833.25	1.0 LS	\$833.25	1.00 LS	\$833.25
TOTAL AMOUNT:					\$2,009,242.80		\$1,828,246.30		\$1,828,246.30

**FINAL ACCEPTANCE
AND
CERTIFICATE OF COMPLETION**

College Drive Improvements
City of Windsor Heights, Iowa

Absolute Concrete Construction
1000 West 6th Avenue
Slater, Iowa 50244

I hereby declare that this project has been completed in substantial compliance with the plans, specifications, contract documents, and change orders governing this project and recommend that the work completed be accepted by the Owner, with the following exceptions and conditions:

Exceptions – None

The undersigned accepts the work constructed under the conditions and guarantee of the contract with the exceptions noted above.

The final contract amount is \$1,828,246.30

Dated this 20 th of November, 2023

Recommended by Engineer, Bolton & Menk, Inc.

By  _____
Justin Ernst, Bolton & Menk, Inc.

Accepted by Owner, City of Windsor Heights

By _____

Name _____

Title _____

Date _____



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2023
Windsor Heights
11/6/2023 2:13:52 PM

Expenses

	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & U0)	Grand Total
Salaries - Roads/Streets		\$208,207					\$208,207
Benefits - Roads/Streets			\$159,692				\$159,692
Training & Dues		\$10,715					\$10,715
Building & Grounds Maint. & Repair		\$21,252					\$21,252
Vehicle & Office Equip Operation and Repair		\$16,622					\$16,622
Operational Equipment Repair		\$28,452					\$28,452
Other Utilities		\$6,859					\$6,859
Engineering		\$29,738			\$387,010		\$416,748
Insurance		\$16,926					\$16,926
Legal		\$3,609			\$630		\$4,239
Street Maintenance Expense		\$32,285					\$32,285
Other Professional Services		\$1,430					\$1,430
Other Contract Services		\$1,126					\$1,126
Minor Equipment Purchases		\$4,515					\$4,515
Operating Supplies		\$7,788					\$7,788
Other Supplies		\$229					\$229



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2023
Windsor Heights
11/6/2023 2:13:52 PM

	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & U0)	Grand Total
Street - Capacity Improvement					\$1,180,056		\$1,180,056
Principal Payment				\$2,475,000			\$2,475,000
Interest Payment				\$265,110			\$265,110
Bond Registration Fees				\$1,200			\$1,200
Street Lighting		\$47,889					\$47,889
Snow Removal		\$76,028					\$76,028
Snow Removal Salaries		\$63,971	\$4,835				\$68,806
Total		\$577,641	\$164,527	\$2,741,310	\$1,567,696		\$5,051,174



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2023
Windsor Heights
11/6/2023 2:13:52 PM

Revenue

	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & U0)	Grand Total
Levied on Property	\$0		\$159,692	\$2,741,310			\$2,901,002
Other Taxes (Hotel, LOST)			\$4,835				\$4,835
Interest		\$33,409					\$33,409
State Revenues - Road Use Taxes		\$722,734					\$722,734
Local Contributions		\$6,514					\$6,514
Charges/fees						\$0	\$0
Contributions					\$19,564		\$19,564
Total	\$0	\$762,657	\$164,527	\$2,741,310	\$19,564	\$0	\$3,688,058



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2023
Windsor Heights
11/6/2023 2:13:52 PM

Bonds/Loans

Bond/Loan Description	Principal Balance As of 7/1	Total Principal Paid	Total Interest Paid	Principal Roads	Interest Roads	Principal Balance As of 6/30
2020A	\$6,590,000	\$690,000	\$156,183	\$690,000	\$156,183	\$5,900,000
2020B	\$4,655,000	\$1,785,000	\$108,927	\$1,785,000	\$108,927	\$2,870,000
Total	\$11,245,000	\$2,475,000	\$265,110	\$2,475,000	\$265,110	\$8,770,000



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2023
Windsor Heights
11/6/2023 2:13:52 PM

Equipment

Description	Model Year	Usage Type	Cost	Purchased Status
Utility Vehicle - Kubota	2021	Purchased	\$25,914	No Change
John Deere 326D Skid Loader	2010	Purchased	\$50,000	No Change
1 ton Chevy Silverado	2007	Purchased	\$32,000	No Change
1 ton Chevy Cheyenne	1990	Purchased	\$20,000	No Change
1 ton Chevy Silverado	2016	Purchased	\$32,000	No Change
1/2 ton Chevy Silverado	2006	Purchased	\$20,000	No Change
Ford F350 Boom Truck	2013	Purchased	\$27,000	No Change
1/2 ton Chevy Silverado	2018	Purchased	\$25,000	No Change
1/2 ton Chevy Silverado	2018	Purchased	\$25,000	No Change



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2023
Windsor Heights
11/6/2023 2:13:52 PM

Street Projects

Project Description	Contract Price	Final Price	Contractor Name
2023 HMA Overlay Project	\$176,111	\$176,111	Inroads Paving
2023 PCC Patching Project	\$456,196	\$456,196	Iowa Civil Contracting
Public Safety Parking Lot	\$228,272	\$229,865	Caliber Concrete



Bureau of Local Systems
Ames, IA 50010

City Street Finance Report

Fiscal Year 2023
Windsor Heights
11/6/2023 2:13:52 PM

Summary

	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & U0)	Grand Total
Begining Balance	\$0	\$939,188	\$0	\$0	\$5,046,931	\$0	\$5,986,119
SubTotal Expenses (-)		\$577,641	\$164,527	\$2,741,310	\$1,567,696		\$5,051,174
Subtotal Revenues (+)	\$0	\$762,657	\$164,527	\$2,741,310	\$19,564	\$0	\$3,688,058
Ending Balance	\$0	\$1,124,204	\$0	\$0	\$3,498,799	\$0	\$4,623,003

Resolution Number:

Execution Date: Monday, November 20, 2023

Signature: Rachelle Swisher



STAFF REPORT
CITY COUNCIL
November 20, 2023

TO: CITY COUNCIL
FROM: Rachelle Swisher, Finance Director - Interim City Administrator
SUBJECT: Approve the TIF Debt Certification Report

GENERAL INFORMATION

Tax Increment Financing Indebtedness Certification

SUMMARY

This certification must be done every year by December 1. This certification has two purposes.

The first is to let the Polk County Auditor know of any new projects that we have NOT previously certified to them. We don't have any new projects, as shown on page 1.1.

The second is to tell the Polk County Auditor the amount of TIF dollars we are requesting for Fiscal Year 2024. Page 2 shows that we are requesting the maximum amount be generated from the Urban Renewal Area. This amount will be determined by the Polk County Auditor after certification is done in December.

ATTACHMENTS

1. TIF Indebtedness Certification FY24

**CODE OF IOWA SECTION 403.19 TAX INCREMENT FINANCING (TIF) INDEBTEDNESS
CERTIFICATION TO COUNTY AUDITOR**

**Due To County Auditor By December 1 Prior To The Fiscal Year TIF Increment Tax Is Requested
Use One Certification Per Urban Renewal TIF Area**

TIF Authority (Name of City or County Operating the TIF): City of Windsor Heights

County (Where TIF is Located): Polk

Urban Renewal Area Name: Windsor Heights Consolidated Urban Renewal Area

Urban Renewal Area Number: 77072 (Use State five-digit Area Number)

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and/or County named above the TIF Authority has outstanding loans, advances, indebtedness, or bonds, none of which have been previously certified, in the collective amount shown below, all of which qualify for repayment from the special fund referred to in paragraph 2 of Section 403.19 of the Code of Iowa.

Urban Renewal Area Indebtedness Not Previously Certified*: \$ 0.00

*There must be attached a **'FORM 1.1'** showing an itemized listing of the dates that individual loans, advances, indebtedness, or bonds were initially approved by the governing body.

The County Auditor shall provide the available TIF increment tax in subsequent fiscal years without further certification until the above-stated amount of indebtedness is paid to the TIF Authority. However, for any fiscal year a TIF Authority may elect to receive less than the available TIF increment tax by certifying the requested amount to the County Auditor on or before the preceding December 1. File **'FORM 2'** with the County Auditor by the preceding December 1 for any fiscal year where all of the TIF increment tax is not requested.

A TIF Authority reducing certified TIF indebtedness by any reason other than application of TIF increment tax received from the County Treasurer shall certify such reduced amounts to the County Auditor no later than December 1 of the year of occurrence. File **'FORM 3'** with the County Auditor when TIF indebtedness has been reduced by any reason other than application of TIF increment tax received from the County Treasurer.

Dated this 20th day of November, 2023

Signature of Authorized Official

515-279-3662
Telephone

Urban Renewal Area Number: 77072

I hereby certify to the County Auditor that for the next fiscal year and for the Urban Renewal Area within the City and/or County named above, the TIF Authority requests less than the maximum legally available TIF increment tax as totaled below.

Typically There Would Only Be A Single Entry In 'Tax Amount Requested'	Tax Amount Requested:
Windsor Heights is requesting the maximum amount be generated from the Urban Renewal Area	Maximum
Total TIF Increment Tax Request For This Urban Renewal Area:	0

Dated this 20th day of November, 2023

	515-279-3662
Signature of Authorized Official	Telephone

**TIF INDEBTEDNESS HAS BEEN REDUCED BY REASON OTHER THAN APPLICATION OF
TIF INCREMENT TAX RECEIVED FROM THE COUNTY TREASURER
CERTIFICATION TO COUNTY AUDITOR
Use One Certification Per Urban Renewal Area**

TIF Authority: City of Windsor Heights County: Polk

Urban Renewal Area Name: Windsor Heights Consolidated Urban Renewal Area

Urban Renewal Area Number: 77072

I hereby certify to the County Auditor that for the Urban Renewal Area within the City and/or County named above, the TIF Authority has reduced previously certified indebtedness, by reason other than application of TIF tax received from the County Treasurer, by the total amount as shown below.

			(Format: XX/XX/20XX)
Individual TIF Indebtedness Type/Description/Details:		Date Indebtedness Reduced:	Amount Reduced:
1	Rollback Replacement Credit	10/1/2023	91.88
2	Rollback Replacement Credit	4/1/2024	91.88
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
Total Indebtedness Reduction For This Urban Renewal Area:			183.76

Dated this 20th day of November, 2023

Signature of Authorized Official

515-279-3662
Telephone



**STAFF REPORT
CITY COUNCIL**

November 20, 2023

TO: CITY COUNCIL
FROM: Rachelle Swisher, Finance Director - Interim City Administrator
SUBJECT: Approve the Urban Renewal Report

GENERAL INFORMATION

The Annual Urban Renewal Report for Fiscal Year 2022-2023

SUMMARY

This report has been done to provide a history of the TIF Revenue Fund. The amount of revenue received was \$1,981,280, the total expenditures were \$2,298,435 and the balance of the TIF Revenue Fund is \$375,158. This is shown on page 1.

Page 2 gives a summary of all the tax districts within our Urban Renewal Area.

Pages 3-5 describe the projects that TIF paid for in Fiscal Year 2022-2023, as well as the specific dollar figures that were spent.

Pages 6-10 go into detail about each TIF Taxing District, and the revenues received.

ATTACHMENTS

1. FY23 Urban Renewal Report

Levy Authority Summary

Local Government Name: WINDSOR HEIGHTS
 Local Government Number: 77G728

Active Urban Renewal Areas	U.R. #	# of Tif Taxing Districts
WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL	77072	10

TIF Debt Outstanding: 7,655,870

TIF Sp. Rev. Fund Cash Balance as of 07-01-2022:	692,313	0	Amount of 07-01-2022 Cash Balance Restricted for LMI
---	----------------	----------	---

TIF Revenue:	1,946,007
TIF Sp. Revenue Fund Interest:	32,830
Property Tax Replacement Claims	2,443
Asset Sales & Loan Repayments:	0
Total Revenue:	1,981,280

Rebate Expenditures:	0
Non-Rebate Expenditures:	2,298,435
Returned to County Treasurer:	0
Total Expenditures:	2,298,435

TIF Sp. Rev. Fund Cash Balance as of 06-30-2023:	375,158	0	Amount of 06-30-2023 Cash Balance Restricted for LMI
---	----------------	----------	---

**Year-End Outstanding TIF
Obligations, Net of TIF Special
Revenue Fund Balance:** 4,982,277

Urban Renewal Area Data Collection

Local Government Name: WINDSOR HEIGHTS (77G728)
 Urban Renewal Area: WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL
 UR Area Number: 77072

UR Area Creation Date: 01/1989

UR Area Purpose: The Plan is intended to promote new development and improvement activities similar to those that have been achieved as a result of previously successful redevelopment efforts. The Plan will continue efforts to enhance the viability of the City.

Tax Districts within this Urban Renewal Area	Base No.	Increment No.	Increment Value Used
WIND HTS CITY/DM SCH/URB WIND-HTS SS/16 AMD ADDITION TIF INCR	770286	770287	255,907
WIND HTS CITY/DM SCH/URB WIND-HTS SS/89 TIF INCR	770288	770289	6,429,855
WIND HTS CITY/WDM SCH/URB WIND-HTS SS/89 TIF INCR	770292	770293	33,333,760
WIND HTS CITY/WDM SCH/URB WIND-HTS SS/14 AMD #3 TIF INCR	770295	770296	0
WIND HTS CITY/WDM SCH/14 AMD #3 TIF INCR	770297	770298	0
WIND HTS CITY/DM SCH/URB WIND-HTS SS/95 & 96 AMD TIF INCR	770490	770491	14,963,061
WIND HTS CITY/WDM SCH/URB WIND-HTS SS/95 & 96 AMD TIF INCR	770492	770493	0
WIND HTS CITY AG/WDM SCH/URB WIND-HTS SS/89 TIF INCR	770290	770519	0
WIND HTS CITY/DM SCH/URB WIND-HTS SS/06 SUB FARMS TIF INCR	770662	770663	3,090,490
WIND HTS CITY/DM SCH/URB WIND-HTS SS/09 AMD 63 & HICK TIF INCR	770797	770798	0

Urban Renewal Area Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	9,598,700	63,172,030	0	0	0	77,626,230	0	77,626,230
Taxable	0	5,195,796	56,854,827	0	0	0	65,146,006	0	65,146,006
Homestead Credits									1

TIF Sp. Rev. Fund Cash Balance as of 07-01-2022: **692,313** **0** **Amount of 07-01-2022 Cash Balance Restricted for LMI**

TIF Revenue: 1,946,007
 TIF Sp. Revenue Fund Interest: 32,830
 Property Tax Replacement Claims: 2,443
 Asset Sales & Loan Repayments: 0
Total Revenue: 1,981,280

Rebate Expenditures: 0
 Non-Rebate Expenditures: 2,298,435
 Returned to County Treasurer: 0
Total Expenditures: 2,298,435

TIF Sp. Rev. Fund Cash Balance as of 06-30-2023: **375,158** **0** **Amount of 06-30-2023 Cash Balance Restricted for LMI**

Projects For WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL

2016A Refunding

Description:	Refund 2008A Community & Events Center
Classification:	Municipal and other publicly-owned or leased buildings
Physically Complete:	Yes
Payments Complete:	No

2016B Refunding

Description:	Refund 2008B Hickman Road Re-Development
Classification:	Mixed use property (ie: a significant portion is residential and significant portion is commercial)
Physically Complete:	Yes
Payments Complete:	No

2020B University Street Project

Description:	Street Improvements
Classification:	Roads, Bridges & Utilities
Physically Complete:	No
Payments Complete:	No

Debts/Obligations For WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL

2016A Refunding

Debt/Obligation Type:	Gen. Obligation Bonds/Notes
Principal:	745,000
Interest:	64,675
Total:	809,675
Annual Appropriation?:	No
Date Incurred:	07/06/2016
FY of Last Payment:	2028

2016B Refunding

Debt/Obligation Type:	Gen. Obligation Bonds/Notes
Principal:	1,495,000
Interest:	132,138
Total:	1,627,138
Annual Appropriation?:	No
Date Incurred:	07/06/2016
FY of Last Payment:	2028

2020B University Street Project

Debt/Obligation Type:	Gen. Obligation Bonds/Notes
Principal:	4,655,000
Interest:	564,057
Total:	5,219,057
Annual Appropriation?:	No
Date Incurred:	04/30/2020
FY of Last Payment:	2035

Non-Rebates For WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL

TIF Expenditure Amount:	270,783
Tied To Debt:	2016B Refunding
Tied To Project:	2016B Refunding
TIF Expenditure Amount:	1,894,427
Tied To Debt:	2020B University Street Project
Tied To Project:	2020B University Street Project
TIF Expenditure Amount:	133,225
Tied To Debt:	2016A Refunding
Tied To Project:	2016A Refunding

TIF Taxing District Data Collection

Local Government Name:	WINDSOR HEIGHTS (77G728)
Urban Renewal Area:	WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
TIF Taxing District Name:	WIND HTS CITY/DM SCH/URB WIND-HTS SS/16 AMD ADDITION TIF INCR
TIF Taxing District Inc. Number:	770287
TIF Taxing District Base Year:	2015
FY TIF Revenue First Received:	2018
Subject to a Statutory end date?	No

UR Designation	
Slum	No
Blighted	No
Economic Development	No

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	716,000	0	0	0	716,000	0	716,000
Taxable	0	0	644,400	0	0	0	644,400	0	644,400
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	460,093	255,907	255,907	0	0

FY 2023 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name:	WINDSOR HEIGHTS (77G728)
Urban Renewal Area:	WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
TIF Taxing District Name:	WIND HTS CITY/DM SCH/URB WIND-HTS SS/89 TIF INCR
TIF Taxing District Inc. Number:	770289
TIF Taxing District Base Year:	1988
FY TIF Revenue First Received:	1990
Subject to a Statutory end date?	No

UR Designation	
Slum	No
Blighted	01/1989
Economic Development	01/1989

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	6,924,700	0	0	0	7,234,700	0	7,234,700
Taxable	0	0	6,232,230	0	0	0	6,429,855	0	6,429,855
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	555,450	6,429,855	6,429,855	0	0

FY 2023 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name: WINDSOR HEIGHTS (77G728)
 Urban Renewal Area: WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
 TIF Taxing District Name: WIND HTS CITY/WDM SCH/URB WIND-HTS SS/89 TIF INCR
 TIF Taxing District Inc. Number: 770293
 TIF Taxing District Base Year: 1988
 FY TIF Revenue First Received: 1990
 Subject to a Statutory end date? No

UR Designation	
Slum	No
Blighted	01/1989
Economic Development	01/1989

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	37,739,900	0	0	0	40,024,100	0	40,024,100
Taxable	0	0	33,965,910	0	0	0	35,422,088	0	35,422,088
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	6,690,340	33,333,760	33,333,760	0	0

FY 2023 TIF Revenue Received: 1,946,007

TIF Taxing District Data Collection

Local Government Name: WINDSOR HEIGHTS (77G728)
 Urban Renewal Area: WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
 TIF Taxing District Name: WIND HTS CITY/WDM SCH/URB WIND-HTS SS/14 AMD #3 TIF INCR
 TIF Taxing District Inc. Number: 770296
 TIF Taxing District Base Year: 2013
 FY TIF Revenue First Received:
 Subject to a Statutory end date? No

UR Designation	
Slum	No
Blighted	No
Economic Development	No

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	3,144,000	0	0	0	3,144,000	0	3,144,000
Taxable	0	0	2,829,600	0	0	0	2,829,600	0	2,829,600
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	3,941,500	0	0	0	0

FY 2023 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name:	WINDSOR HEIGHTS (77G728)
Urban Renewal Area:	WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
TIF Taxing District Name:	WIND HTS CITY/WDM SCH/14 AMD #3 TIF INCR
TIF Taxing District Inc. Number:	770298
TIF Taxing District Base Year:	2013
FY TIF Revenue First Received:	
Subject to a Statutory end date?	No

	UR Designation
Slum	No
Blighted	No
Economic Development	No

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	0	0	0	0	0	0	0
Taxable	0	0	0	0	0	0	0	0	0
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	1,600	0	0	0	0

FY 2023 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name:	WINDSOR HEIGHTS (77G728)
Urban Renewal Area:	WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
TIF Taxing District Name:	WIND HTS CITY/DM SCH/URB WIND-HTS SS/95 & 96 AMD TIF INCR
TIF Taxing District Inc. Number:	770491
TIF Taxing District Base Year:	1995
FY TIF Revenue First Received:	2001
Subject to a Statutory end date?	No

	UR Designation
Slum	No
Blighted	05/1995
Economic Development	05/1995

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	9,390,000	10,559,200	0	0	0	20,540,500	0	20,540,500
Taxable	0	5,082,826	9,503,280	0	0	0	14,963,061	0	14,963,061
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	4,093,000	14,963,061	14,963,061	0	0

FY 2023 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name:	WINDSOR HEIGHTS (77G728)
Urban Renewal Area:	WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
TIF Taxing District Name:	WIND HTS CITY/WDM SCH/URB WIND-HTS SS/95 & 96 AMD TIF INCR
TIF Taxing District Inc. Number:	770493
TIF Taxing District Base Year:	1995
FY TIF Revenue First Received:	2001
Subject to a Statutory end date?	No

	UR Designation
Slum	No
Blighted	05/1995
Economic Development	05/1995

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	172,200	142,200	0	0	0	314,400	0	314,400
Taxable	0	93,212	127,980	0	0	0	221,192	0	221,192
Homestead Credits									1

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	445,750	0	0	0	0

FY 2023 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name:	WINDSOR HEIGHTS (77G728)
Urban Renewal Area:	WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
TIF Taxing District Name:	WIND HTS CITY AG/WDM SCH/URB WIND-HTS SS/89 TIF INCR
TIF Taxing District Inc. Number:	770519
TIF Taxing District Base Year:	1988
FY TIF Revenue First Received:	
Subject to a Statutory end date?	No

	UR Designation
Slum	No
Blighted	01/1989
Economic Development	01/1989

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	0	0	0	0	0	0	0
Taxable	0	0	0	0	0	0	0	0	0
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	0	0	0	0	0

FY 2023 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name:	WINDSOR HEIGHTS (77G728)
Urban Renewal Area:	WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
TIF Taxing District Name:	WIND HTS CITY/DM SCH/URB WIND-HTS SS/06 SUB FARMS TIF INCR
TIF Taxing District Inc. Number:	770663
TIF Taxing District Base Year:	2005
FY TIF Revenue First Received:	2005
Subject to a Statutory end date?	No

	UR Designation
Slum	No
Blighted	12/2005
Economic Development	No

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	36,500	3,946,030	0	0	0	5,652,530	0	5,652,530
Taxable	0	19,758	3,551,427	0	0	0	4,635,810	0	4,635,810
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	2,562,040	3,090,490	3,090,490	0	0

FY 2023 TIF Revenue Received: 0

TIF Taxing District Data Collection

Local Government Name:	WINDSOR HEIGHTS (77G728)
Urban Renewal Area:	WINDSOR HEIGHTS CONSOLIDATED URBAN RENEWAL (77072)
TIF Taxing District Name:	WIND HTS CITY/DM SCH/URB WIND-HTS SS/09 AMD 63 & HICK TIF INCR
TIF Taxing District Inc. Number:	770798
TIF Taxing District Base Year:	2008
FY TIF Revenue First Received:	
Subject to a Statutory end date?	Yes
Fiscal year this TIF Taxing District statutorily ends:	2029

	UR Designation
Slum	No
Blighted	No
Economic Development	11/2007

TIF Taxing District Value by Class - 1/1/2021 for FY 2023

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	0	0	0	0	0	0	0
Taxable	0	0	0	0	0	0	0	0	0
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2023	84,286	0	0	0	0

FY 2023 TIF Revenue Received: 0

City of Windsor Heights 2024 Meeting Schedule

No meeting the 1st Monday in January due to New Years Day

Tuesday, January 16, 2024 *Tuesday due to Monday being MLK Day*

Monday, February 5, 2024

Monday, February 19, 2024

Monday, March 4, 2024

Monday, March 18, 2024

Monday, April 1, 2024

Monday, April 15, 2024

Monday, May 6, 2024

Monday, May 20, 2024

Monday, June 3, 2024

Monday, June 17, 2024

Monday, July 1, 2024

Monday, July 15, 2024

Monday, August 5, 2024

Monday, August 19, 2024

No meeting the 1st Monday in September due to Labor Day

Monday, September 16, 2024

Monday, October 7, 2024

Monday, October 21, 2024

Monday, November 4, 2024

Monday, November 18, 2024

Monday, December 2, 2024

Monday, December 16, 2024



**STAFF REPORT
CITY COUNCIL**

November 20, 2023

TO: CITY COUNCIL

FROM:

SUBJECT: Consideration of Entering Into Professional Services Proposal for Space Needs

GENERAL INFORMATION

To: Mayor and City Council
From: Adam Plagge, City Administrator
Date: November 06, 2023
Subject: Space Use Analysis

GENERAL INFORMATION

Administration solicited four Space Use Analyses: one from OPN, ISG, RDG and Simonson Associates. Two proposals were received back, ISG's costing \$45,000 and OPN's costing \$26,900. Administration recommends entering into an agreement with OPN Architects for a Municipal Facilities Space Needs Study with the cost paid for out of the reserve fund.

JUSTIFICATION

This project will help fulfill goal 4 Objective C in the 2023 City Council Goals.

Goal #4 – Create and maintain a **high-functioning City team** of elected officials, professional staff and volunteer board members via regular and pertinent training and continuing education opportunities. Objective C: Complete a long-term public facilities plan.

PROPOSAL

This process will help City leadership understand any deficiencies in the current city facilities such as security and gender specific facilities, and plan and budget for any upcoming building maintenance, potential building improvements and/or contemplate alternative facility options that better reflect the current and future city staffing levels. The analysis will also identify and provide options to potentially reorient and better use underutilized spaces and thus free up space for any deficiencies. Examples of potential underutilized spaces include:

- C.E.C. office and second kitchen in the C.E.C.
- Public Safety vault and various storage areas throughout the main facility and garage.
- City Hall reception area and 'hall office'.

- Public Works upstairs and animal control area.

Task One: Existing Conditions Survey

This phase will involve building tours and field verifications. The physical condition of buildings and systems will be assessed. Assets and deficiencies of present facilities will be highlighted with respect to spatial use, infrastructure and building systems, and anticipated financial impact of potential solutions for short and long-range goals and objectives. We'll study ways in which renovations can be prioritized and phased to align with funding and in order to minimize community and staff impact and maintain building operations during project execution.

The following facilities will be analyzed:

- City Hall – 1145 66th Street, Windsor Heights, Iowa 50324. Constructed in 1989.
- Public Safety – 1133 66th Street, Windsor Heights, Iowa 50324 Constructed in 1966?
- Public Safety Storage and Workout Facility – 1133 66th Street, Windsor Heights, Iowa 50324. Constructed in 1996. (behind main building two-story building)
- Public Works Complex – 1145 66th Street, Suite 1, Windsor Heights, Iowa 50324 (south of Colby Park). Constructed in 1970, partial quality review previously completed.
- Community Event Center – 6900 School Street, Windsor Heights, Iowa 50324. Constructed in 2011.

Task Two: Space and Programming Needs Assessment – *Bringing our recent experience designing similar civic spaces for other clients, we will work closely with you and your staff to understand what works and what could work better. We will conduct on-site listening sessions with identified groups to discuss how each of your facilities may be out of pace with current needs to establish space requirements, functions, and any special nuances that may influence spatial needs.*

Task Three: Concept Design, Evaluations, and Formulation of Options – *During this phase, as design solutions start to coalesce, stakeholders are engaged and aware of progress throughout each step. Questions are discussed, alternatives considered, and solutions explored. We proactively engage our clients in exploring creative solutions to the issues that arise. Diagrammatic sketches are created using the information gathered in the programming process to quantify and verify the size and spatial relationships needed. The needs that have been identified are prioritized and the best use of the available space is determined to fit both today's needs and tomorrow's evolving needs.*

Task Four: Final Deliverable – *A final space needs analysis report will be provided in bound and electronic formats for the city's reference and use. The report will outline the facilities assessments and research, programming objectives, the design concepts, and the budget and implementation strategies. The report will:*

- *Propose a multi-year vision with immediate (12 months), short-term (1-4 years), mid-term (5-10 years) and long-term (10+ years) sequence of events, establishing the necessary stages of design, construction and/or remodeling activity*
- *Include an assessment of construction code compliance in the facilities and buildings*
- *Include preliminary cost estimates*

The proposal includes one utilization concept per building with the option to add additional concepts for current or other buildings if desired. OPN can also provide cost estimates for new construction options based on recent civic projects they have constructed.

ATTACHMENT

OPN Space Use Analysis Proposal

SUMMARY

ATTACHMENTS

1. OPN Space Use Analysis Proposal



City of Windsor Heights

2023 Municipal Facilities Space Needs Study

OPN Architects
November 3, 2023

November 3, 2023

**Request for Proposal
City of Windsor Heights
2023 Municipal Facilities
Space Needs Study**

**Adam Plagge
City Manager
City of Windsor Heights
1145 66th Street
Windsor Heights, Iowa 50324**

**OPN Architects
Joseph Feldmann, AIA, LEED AP
Associate Principal
jfeldmann@opnarchitects.com
(515) 309-6874**

**100 Court Avenue
Suite 100
Des Moines, Iowa 50309
opnarchitects.com**

Dear Adam:

Thank you for the opportunity to submit our team's qualifications and proposal for the 2023 Municipal Facilities Space Needs Study for the City of Windsor Heights.

We applaud your commitment to proactively assessing your needs in order to strategically respond to Windsor Heights' evolution as a community and city. From day one, we will begin a dialogue with the goal of establishing a broad-based vision for the city's facilities. We will work with identified stakeholders to create a vision that will balance a need for function and maintainable spaces in a fiscally achievable solution. We are confident that our team can help the city identify the multitude of programmatic opportunities and merge these conversations into a cohesive plan that will help you move forward with confidence.

We understand that determining the appropriate direction for your facilities and having a clear understanding of your operational needs is extremely important. We will ensure that your needs are clearly identified at the onset of the project, consistently communicated and authenticated throughout, and delivered to align with the stated objectives. Additionally, we will ensure space maximization and utilization to accommodate your needs.

Our process is tailored to each unique client and project.

We will start by laying the groundwork together. Our team brings experience to the table, but we know every great effort must embody your aspirations. One of the best ways to do this is through dialogue. Before embarking on planning efforts, we will work with you to further develop goals and objectives, finalize the planning process, and refine the schedule. At our initial kick-off meeting, we will: introduce the team, establish a communication plan, and identify charter goals. This conversation will also include pointed questions and discussions around architectural, emotive, and functional needs for your spaces. It is our understanding the following city facilities will be assessed:

- City Hall - 1145 66th Street, Windsor Heights, Iowa 50324
- Public Safety - 1133 66th Street, Windsor Heights, Iowa 50324
- Public Safety Storage and Workout Facility - 1133 66th Street, Windsor Heights, Iowa 50324 (behind main building two-story building)
- Public Works - 1145 66th Street, Suite 1, Windsor Heights, Iowa 50324 (south of Colby Park)
- Community Event Center - 6900 School Street, Windsor Heights, Iowa 50324

Task One: Existing Conditions Survey - This phase will involve building tours and field verifications. The physical condition of buildings and systems will be assessed. Assets and deficiencies of present facilities will be highlighted with respect to spatial use, infrastructure and building systems, and anticipated financial impact of potential solutions for short and long-range goals and objectives. We'll study ways in which renovations can be prioritized and phased to align with funding and in order to minimize community and staff impact and maintain building operations during project execution. For example, the public works facility may have an immediate need. We will work with your teams to quickly address and provide solutions for a path forward.

Task Two: Space and Programming Needs Assessment - Bringing our recent experience designing similar civic spaces for other clients, we will work closely with you and your staff to understand what works and what could work better. We will conduct on-site listening sessions with identified groups to discuss how each of your facilities may be out of pace with current needs to establish space requirements, functions, and any special nuances that may influence spatial needs. We understand that having a clear understanding of your operational needs is extremely important to the success of this project. However, also significant to this work is reviewing demographic and economic information, previous planning and facilities studies, and historical and projected staffing data. We will focus on the needs specific to each department and user group and compare against existing infrastructure. Our conversations will explore the nature of work done in each building; working relationships between departments; and

optimal physical adjacencies. Based on these conversations, we will explore whether current space, adjacencies, and technologies are adequate immediately, short-term, mid-term, and long-term. We work closely with you to understand what works and what could work better. Tools used in the programming process include questionnaires, on-site work sessions, and observation sessions. When combined, these tools provide a thorough understanding of the unique and changing requirements of your departments.

Task Three: Concept Design, Evaluations, and Formulation of Options – During this phase, as design solutions start to coalesce, stakeholders are engaged and aware of progress throughout each step. Questions are discussed, alternatives considered, and solutions explored. We proactively engage our clients in exploring creative solutions to the issues that arise. Diagrammatic sketches are created using the information gathered in the programming process to quantify and verify the size and spatial relationships needed. The needs that have been identified are prioritized and the best use of the available space is determined to fit both today's needs and tomorrow's evolving needs. We will review and evaluate existing physical, functional, aesthetic, and environmental conditions of the facilities to determine appropriateness for future planning options.

Task Four: Final Deliverable – A final space needs analysis report will be provided in bound and electronic formats for the city's reference and use. The report will outline the facilities assessments and research, programming objectives, the design concepts, and the budget and implementation strategies. The report will:

- Propose a multi-year vision with immediate (12 months), short-term (1-4 years), mid-term (5-10 years) and long-term (10+ years) sequence of events, establishing the necessary stages of design, construction and/or remodeling activity
- Include an assessment of construction code compliance in the facilities and buildings
- Include preliminary cost estimates

Estimated Range of Fees

OPN Architects

Conditions Survey	\$ 4,000
Programming Needs Assessment	\$ 2,500
Concept Design & Options	\$ 5,500
Final Deliverable	\$ 2,500

Raker Rhodes Engineering

Structural Engineering	\$ 1,500
------------------------	----------

IMEG

MEP Engineering Assessment	\$ 1,600
Programming Needs Assessment	\$ 2,500

DCI Group

Cost Estimating	\$ 6,800
-----------------	----------

TOTAL FEE **\$26,900**

*Each additional concept option w/estimate \$ 4,000

Reimbursable Expenses

Reimbursable expenses are in addition to the above fee and will be invoiced at 1.0 times actual cost. Reimbursable expense include: authorized out-of-town travel, courier services, express mail, plan review fees, reproduction of project documents, photography, out-of-house digital processing, physical models, meals and mileage at the government standard rate.

*One concept option per building included in the base fee. Each additional building concept option would be additional cost.

We look forward to discussing our qualifications and excitement for this project in person. Thank you, again, for the opportunity.

Sincerely,



Joseph Feldmann, AIA, LEED AP
Associate Principal, OPN Architects

City of Ankeny Facilities Needs Assessment

Ankeny, Iowa



OPN Architects was hired in 2010 to explore designs for a civic building for the city that would house city hall and a library in the Prairie Trail development. As part of the process, OPN engaged with all vested stakeholders in a series of public meetings. OPN presented concepts, collected feedback, and incorporated feedback into the plans, and redistributed the results to all participants. A facilities needs study was conducted in 2015 assessing all city-owned facilities including the existing library and city hall buildings, but due to funding, the project was shelved until 2016 when the city renewed efforts to bring a bond referendum to voters to fund the library in conjunction with civic trust funds and capital reserve funds. OPN's assessment proposed a total of nine options including projected construction cost estimates for each strategy. OPN designed the library, which opened in late 2019 and also houses the city council chambers. OPN is currently updating the city's facilities needs study – it will be completed in 2024.

Contact Sam Mitchel, Library Director
(515) 965-6461

City of Des Moines Facility Pre-Design Study

Des Moines, Iowa



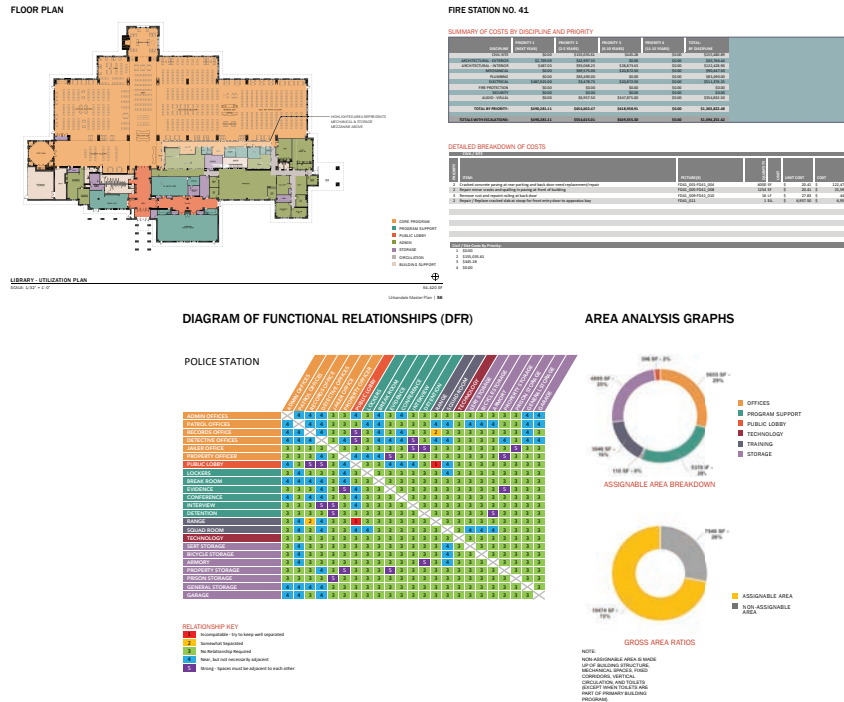
The City of Des Moines commissioned OPN Architects and McClaren, Wilson & Lawrie (MWL) Architects to conduct a space needs and test fit study of all city departments with the primary purpose to better understand the feasibility of moving staff and functions of several city departments. The process began with stakeholders and city staff feedback through a digital survey issued to all staff in affected departments. Test fits of the building included an analysis of Site Circulation, Building Circulation and Security, Building Services, and Public Zones (public meeting and conferencing, police lobby, and customer service hub). Alongside these detailed studies, the design team established with the city that two basic strategies would guide test-fit schemes. In addition to the two schemes, alternates were provided for consideration. Costs related to each alternative were also developed.

The design team proposed a phased implementation of the 'all-in' approach to allow the city to manage funding. Following the conclusion of the space planning study, OPN was hired to execute design and documentation to implement the recommended solution.

Contact Ann Sobiech Munson, City Architect
(515) 283-6319

City of Urbandale Facilities Master Plan

Urbandale, Iowa

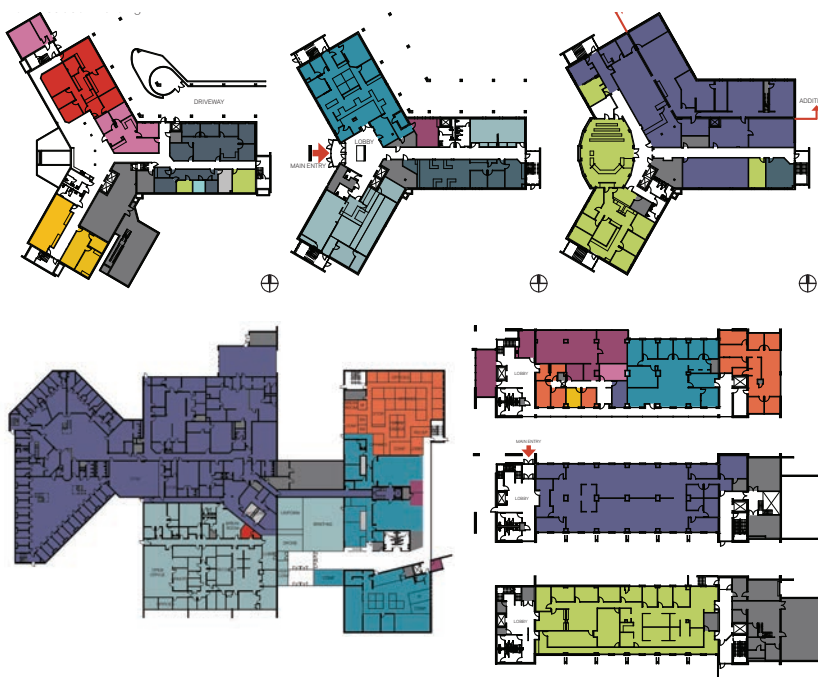


In the first quarter of 2022, the City of Urbandale retained OPN Architects to develop a facilities master plan for the municipality. The city commissioned a 15-Year Preventative Maintenance Plan in 2013. After approximately seven years of completed work under that plan and numerous changes to the city's building infrastructure, it was determined that a new facilities master plan was needed. OPN analyzed 13 building structures that included building tours, information gathering sessions with key stakeholders, and interviews with each department. The work included an existing facilities conditions assessment; space and programming needs assessment; and a city wide facilities master plan. Our team assessed spaces for efficiencies and deficiencies and identified an array of solutions from renovations and additions to relocations and new facilities that would arm Urbandale with a road map for the future.

Contact Dick Lilly, Facility Supervisor
Parks & Recreation
(515) 331-6872

Story County Facilities Assessment

Ames & Nevada, Iowa

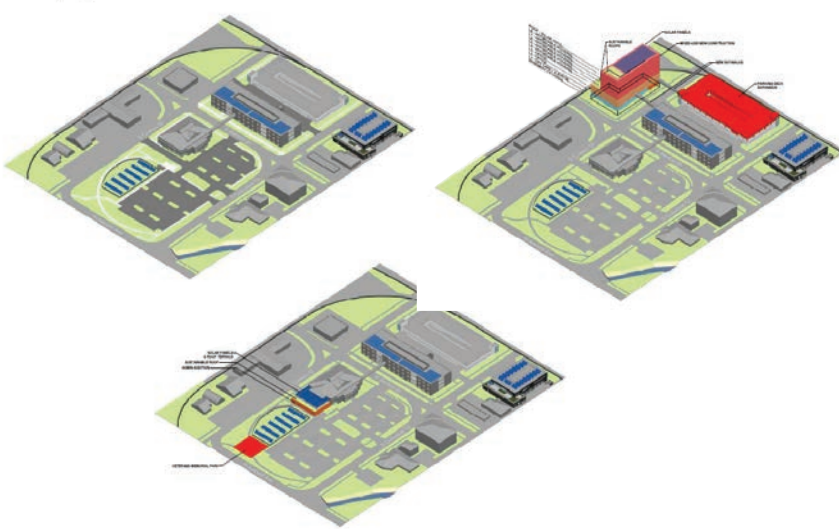


In 2021, OPN Architects completed an in-depth facilities assessment, programming, and space needs understanding and planning to create a prioritized and navigable plan for both the short and long-term solutions for Story County and their 8+ facilities. This plan included: Administration Building, Justice Center, Engineer's Building, Human Services Center, Conservation/McFarland Park, and Animal Shelter as well as various other support sites and structures. Evaluations also addressed issues of circulation and public access, security, privacy, storage, office and meeting space, as well as any identified code and ADA compliance deficiencies. Throughout the process OPN engaged with identified county stakeholders and department personnel, as well as Story County Supervisors, to ensure that the proposed options would be successful.

Contact Joby Brogden, Director
Facilities Management
(515) 382-7400

Johnson County Space Needs Assessment

Iowa City, Iowa



OPN performed a space analysis in 2020 of the Johnson County Administration Building (JCAB), the Health and Human Services Building (HHSB), and the second floor storage spaces (used by the Auditor's Office and Facilities Department) of the Johnson County Ambulance and Medical Examiner Building (AME). The analysis included an assessment of the current space needs, as well as projected space needs for years into the future.

In addition to physical assessments, the process included interviews with all department directors and elected officials to understand their current and future space needs. The report included proposals for improved spaces that would allow Johnson County staff to maintain a tradition of service while simultaneously embracing change.

Contact Ray Forsythe, Special Projects Manager
Johnson County
(319) 356-6000

City of Indianola Assessment & Master Plan

Indianola, Iowa



As the first major initiative of its newly adopted comprehensive plan, the City of Indianola hired OPN Architects to conduct facility assessments, space planning, and conceptual design of several city-owned facilities in order to improve spaces for staff and services for the community. OPN began by conducting an in-depth assessment of the fire and police department facilities, city hall, and public library. Following the physical assessments, as an alternative to open houses due to COVID-19, OPN created virtual tours of the city's municipal building and public library. Community surveys were shared on the city's website and shared via social media. More in-depth surveys were distributed to a core group of stakeholders as well as city staff.

These assessments and visioning exercises informed space and site planning around the preferred concepts of a new public safety center on the same site as the current combined facility and a new joint library/city hall on the site of the existing library. In addition to design services, OPN is supporting the city in communication and referendum planning.

Contact Ryan Waller, City Manager
City of Indianola
(515) 961-9410

Our proposed team is versed in facility assessments, space planning, concept design, and helping our clients create a prioritized and navigable plan for the successful execution of the City of Windsor Height's vision well into the future.



Joseph Feldmann, AIA, LEED AP | Principal-in-Charge, OPN Architects

Associate Principal Joseph Feldmann has been with OPN since 2002 when he first started as an intern architect, and has been a full time employee since 2004 after graduating. He led the design of a new community focused city hall building in the heart of the City of Johnston's Town Center Development as well as public safety facilities for fire and police in Waukee and Indianola.

Relevant Experience (partial listing)

City of Indianola

Public Safety Building Feasibility and Concept Design
Library and City Hall Feasibility and Concept Design

City of Ankeny

Facilities Needs Assessment
City Hall and Public Library

City of Waukee

Public Safety Building
City Hall Renovation

City of Johnston

Johnston Town Center Master Plan
Johnston City Hall

City of Carlisle

Carlisle Public Library Feasibility Study

City of Clive

Clive Public Library Feasibility Study

City of Grimes

Grimes Public Library Feasibility and Concept Design



Brett Mendenhall, AIA | Project Manager, OPN Architects

From feasibility studies to phased renovations and designing new facilities, Brett's strong leadership skills and exemplary service to clients has fostered long-term relationships. In addition, Brett's municipal experience includes working with Story County and the Cities of Urbandale, Ankeny, and Clive on projects that started with a facilities needs assessments and led to new building construction or renovations.

Relevant Experience (partial listing)

City of Ankeny

City Administration Master Plan
Facilities Needs Assessment
City Hall and Public Library

City of Clive

Needs Assessment Study
New Library

City of Urbandale

Facilities Master Plan
City Hall/Engineer Building Remodel Study
City Hall/Engineer Building Remodel

Story County

Facilities Needs Assessment & Master Plan
Ames & Nevada, Iowa



Dave Tilley | Construction Administrator, IMEG

Dave's experience includes working with building owners to determine needed upgrades and renovations for future use. This includes visiting sites to determine existing conditions, working with engineers on system upgrades and preparing cost estimates. His practical experience gives him knowledge on what it takes to renovate a building and includes the nuances of phasing and renovating a building while it's being used.

Relevant Experience (partial listing)

Pocahontas County

County Courthouse Facility Condition Assessment

Central Iowa Shelter & Services

Facility Condition Assessment
Des Moines, Iowa

Great Prairie Area Education Agency

Facility Condition Assessment
Ottumwa, Iowa

YMCA of Greater Des Moines

YMCA Campground Facility Condition Assessment
Boone, Iowa



Brandon Schulte, LEED AP | Vice President, DCI Group

To Brandon, the only thing more exciting than the actual construction process is the disciplined methodology of planning how to build it and determining how much it will cost. His years of dedicated, full-time preconstruction and estimating experience have given Brandon an instinct and knack for both planning and costing. His innate engineering mindset embraces each individual technical aspect of construction, and it shows through in his staff and in his projects.

Relevant Experience (partial listing)

City of Clive

Public Safety Facility

Warren County

Justice Center

Iowa Law Enforcement Academy

Johnston, Iowa

State of Iowa, DAS

Multiple Projects Since 2011



**STAFF REPORT
CITY COUNCIL**

November 20, 2023

TO: CITY COUNCIL
FROM: Adam Strait, City Clerk
SUBJECT: Consideration of Code Review Agreement with Simmering-Cory

GENERAL INFORMATION

While the City often supplements the code with new ordinances, a full code review has not been completed since 2015 when Simmering-Cory was contracted to manage the City's code codification. The code review process will bring the City's code into compliance with the Code of Iowa and update out-dated process.

This will also help the Council achieve goal two of the outlined yearly council goals in revising the code to address outdated regulations and improving the City's enforcement of nuisances.

SUMMARY

ATTACHMENTS

1. Windsor Heights Code Update Proposal (October 2023)

10/30/2023

City of Windsor Heights
Attn: Mr. Adam Strait, City Clerk
1145 66th St., Suite 1
Windsor Heights, IA 50324

Mr. Strait,

Thank you for the opportunity to present to the City a proposal for codification services. We are excited to have the opportunity to present our firm to the City and, if given the opportunity, to work with the City on their Code update project. It would be our desire to become a long-term partner with the City. Simmering-Cory | Iowa Codification is an Iowa based and owned firm, we only work with Iowa cities and counties on their codification services and have been in business for almost 40 years. Our codification team is experienced in helping cities large and small with their codification services. We are also the only Iowa codification company that provides continual update services (supplements) and annual legislative updates to our clients. We also provide our clients with the option of a hosted online code.

For code update projects we utilize a process that includes the following key steps:

Step 1 – Code Review. In the first step of the process our Code Editor (project manager) for your project will start by conducting a review of the City's existing code and any ordinances that have been adopted but are not yet incorporated into the Code. This review will produce a series of questions and verifications that our Code Editor will provide to the City for their response. We will also identify any needed legislative changes during this process and provide the City with any suggestions for changes that we see in the Code.

Questions are presented to the City in several ways, including email and phone conversations. We can also provide the City with sample language to help get to a final version that works for the City.

Step 2 – Draft Code. Once we have all the questions identified by the Code Editor addressed, we will begin the process of developing a draft code for the City. This is where the new code will take shape and additional questions may arise during this process. Once our Code Writer has drafted the new code the Code Editor will do a quick review and markup to identify specific outstanding questions and areas that we specifically want to point out to the City. A draft code will be provided to the City for your review and comment.

Step 3 – Proofing. While the City is reviewing the draft code our proofer will be conducting a proof of the code. Typically, we want the City to focus on content and our proofer will be focused on grammatical and formatting issues. However, if the City identifies any grammar or formatting issues we certainly would like to know about them to ensure that we capture and correct as much as possible.

Step 4 – Draft Edits. Once the proofer is completed with their review and the City's review is complete the Code Editor will make the necessary changes and follow up with the City on outstanding questions that the City has and conduct any needed verifications from changes and questions in the draft code.

Step 5 – Final Proof. Once the code is in final form, we will conduct a final format proof on the code and then print any paper copies of the code for the City. We will also develop the proceedings for the

City to adopt the new code. The proceedings and the new code books will be provided to the City for adoption.

Step 6 – Adoption. The City will conduct the adoption process which is typically a four council meeting process; however, the City could choose to waive readings.

Step 7 – Online Code Development. While the City is adopting the new code we will be working on conversion of the code into the online format. Typically, the online conversion takes about one to two months to complete and is typically done by the time the City completes the adoption process.

After reviewing the City’s current code, we would propose to complete the codification project for the City as follows:

Total Base Codification Price: \$8,275.00*

*This includes the cost to put the updated code online.

Our project payments are typically broken into three installments. For your project the installments would be as follows:

Down Payment	\$1,750.00
Draft Payment	\$2,800.00
Adoption Payment	\$2,450.00
Online Code (billed once it is online)	\$1,275.00

The proposed project costs include the full scope of work presented above, including us printing and providing the City with one copy of the new code, and inclusion of the City’s Zoning Code and Subdivision in the new code.

Please note the proposal does not include a full update, which would include public comment sessions, work sessions, and a complete rewrite, of the City’s Zoning or Subdivision chapters. We will review the Zoning and Subdivision chapters for grammatical errors and notify the City of any potential conflicts with the remainder of the Code that we identify during our review. We will also make any changes directed by the City or made by adopted ordinances.

Additional printed copies of the code can be purchased at the end of the project for the cost of \$155.00 per book. This cost does not include a binder and tabs.

A Few Additional Notes.

As you consider our proposal and others that you may have, we want to provide a few other items of consideration.

Legislative Changes.

Annually we review all the legislation adopted by the State and signed by the Governor to identify potential changes to our clients’ codes. Typically, in July we send out a letter to clients notifying them of the changes and providing them with an offer to purchase the changes that are specific to their code. The cost of a legislative change is typically between \$200 and \$500 per change depending on the amount of changes needed. The costs for purchasing a legislative change includes our initial research, writing the ordinance specific to the client’s code, and the cost to supplement the adopted ordinance into the City’s code (both online and the paper versions). Each change is priced individually so that clients can purchase only those changes they feel are critical to their code.

Supplementing.

Many of our clients are supplementing their code on a regular basis to keep the code current. The process of supplementing involves us taking the client’s adopted ordinances and incorporating them into the online

and paper copies of their code. We then provide the updated paper copies for the number of books that are maintained by the City. We highly recommend that the City regularly supplement their code

Some cities do annual supplements and some of our clients will supplement more frequently, either bi-annually, quarterly, or monthly as ordinances are adopted. The timing is completely up to the City.

The cost of supplementing is based on a per page price. The pages where we make physical changes to the content on the page are billed at a higher rate to account for the time and work involved. Pages that need to be reprinted to maintain the consistency of the physical book are billed at a lesser rate. As an example, for clients maintaining 1-5 paper copies of their code the costs for supplementing would be as follows:

Changed Pages	\$28.00 per page + \$10.00 per page to update the code online.
Second Pages	\$4.00 per page.

All supplements have a flat shipping fee added to them.

If the supplement includes legislative changes purchased from Iowa Codification those are supplemented at no cost, since the City has already paid for that service as part of the purchase of the legislative change.

Digital Copy.

We also provide our clients with a digital copy of their code in Microsoft Word format. The first copy of the new code will be provided after the adoption of the new code. Updated copies are provided then with each supplement that we prepare for the City. You can get this digital file either on a CD mailed with each supplement or by email.

Multiple Staff.

While your project contact with our firm will primarily be the Code Editor, or project manager, our projects include the participation of at least three different individuals within the company. While we have awesome staff who know the codification business, we also understand that multiple perspectives and a collaborative approach will result in a stronger project. Because of this each project gets several sets of eyes on the project throughout the process. We believe that these various perspectives can help ensure the best code possible for your community.

Partner.

As mentioned above, our goal is not to just complete the codification project for you, but to be a long-term partner of the City of Windsor Heights for their codification needs. We often assist clients with research by providing samples of topics they are working on or providing them with a codifier's perspective on topics. While we are not attorneys, and we cannot provide legal opinions, we do have over 400 clients in the State of Iowa and many times we have encountered language from other clients that may be helpful to other cities.

Thanks again for the opportunity to provide you with this proposal. Should you have any questions following your review of the proposal, please don't hesitate to contact me. If the City would like to move forward with a project I can put together a simple agreement that we use and provide an invoice for the down payment.

Sincerely,



Jennifer Movall
Simmering-Cory | Iowa Codification



**STAFF REPORT
CITY COUNCIL**

November 20, 2023

TO: CITY COUNCIL

FROM: Adam Plagge, City Administrator

SUBJECT: Consideration of the First Reading of Ordinance No. 2023-10 - An Ordinance Amending Chapter 183 (Mobile Food Units)

GENERAL INFORMATION

This proposed revised ordinance attempts to bring code and practice closer in alignment and provide some additional clarification on appropriate process and procedures for mobile food unit vending.

Summary of proposed ordinance revisions:

Any mobile food unit operating in Windsor Heights, unless on private property for a private event, is required to have a Mobile Food Unit License which is valid for 365 days. Any mobile food unit operating in a commercial parking lot with food for sale to the public or any mobile food unit in Colby Park or in Right Of Way would need this license. The current fee for a mobile food unit license is \$75.

Special Event Permit: This is a permit necessary for all Mobile Food Units operating in the City of Windsor Heights right-of-way or in a City Park. The permit is valid for a specified period of time and at a specified location. This permit does not supersede the need for a Mobile Food Unit License. The granting of this permit is discretionary based on available space and event requirements. A fee may be charged to obtain this permit, dependent on the event and event organizer's desire.

Permit Requirement Examples:

1. Food truck on residential driveway for private graduation party. No license or permit required.
2. Food truck selling to public out of Hy-Vee parking lot. This would require the property owner's permission and Mobile Food Unit License.

3. Food truck in association with a C.E.C. rental exclusively for C.E.C. guests. Mobile Food Unit License and a Special Event Permit designating the time and location for vending are required. In this instance no special event permit fee would be charged.
4. Food truck in association with Fall Festival. Mobile Food Unit License and Special Event Permit designating time and location are required. A limited number of special event permits would be issued based on event size and desired mixture of food offerings, at the direction of the event organizer. A special event permit fee may be charged to help mitigate the costs of the special event.

The current mobile food unit ordinance contains a zone for mobile food units on School St. north of Colby Park that is neither utilized nor practical for general operations. This zone is eliminated as part of the proposed revised ordinance.

Each City in the metro typically has their fire marshal inspect food trucks annually. This is a hurdle for mobile food units and given the limited vending opportunities in Windsor Heights, it's proposed to accept other metro City's annual inspections in lieu of conducting our own.

Pushcart regulations are consolidated into the general mobile food unit regulations due to infrequency of pushcart requests.

Enforcement and penalties process and procedures updated and expanded upon.

SUMMARY

ATTACHMENTS

1. Ordinance No. 23-10 - Amendments to Chapter 183 (Mobile Food Units)
2. Mobile Food Unit Ordinance REDLINED
3. Mobile Food Unit License 10-27-23
4. MOBILE FOOD UNIT Special Event Permit 10-27-23

ORDINANCE NO. 23-09

AN ORDINANCE AMENDING CHAPTER 183 (MOBILE FOOD UNITS)

BE IT ENACTED by the City Council of the City of Windsor Heights, Iowa, as follows:

SECTION 1. SECTION MODIFIED. Chapter 183 (Mobile Food Units) is amended using the following new language:

CHAPTER 183 MOBILE FOOD UNITS

183.01 Definitions	183.06 Reserved
183.02 License and Permit Required	183.07 Reserved
183.03 Application	183.08 Enforcement and Penalties
183.04 Exceptions	
183.05 General Regulations for All Mobile Food Units	

183.01 DEFINITIONS.

1. “Commissary” means a licensed food facility regulated by a governmental entity where food is stored, prepared, portioned, packaged or any combination thereof, and where such food is intended for consumption at another location or place from a mobile food unit..
2. “Food establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. For the purposes of this chapter, “food establishment” does not include an establishment that offers only pre-packaged foods that are non-potentially hazardous; a produce stand which sells only whole, uncut fresh fruits and vegetables; an establishment operating in a farmers market if potentially hazardous food is not sold or distributed; a residence in which food that is non-potentially hazardous is sold for consumption off premises to a consumer customer provided the food is labeled so as to identify its preparer; a private home that receives catered or home-delivered food; child care facilities or food establishments in hospitals or health care facilities which are subject to regulation by state agencies; supply vehicles and vending machines.
3. “Mobile food unit” means motorized, a self-propelled food establishment food truck, or a trailer, pushcart, or vehicle towed by a motorized vehicle, that is readily movable including a tent, and which typically operates at a remote location and returns to base of operation or commissary at the end of its daily business. Mobile food units are considered Class III or Class IV mobile food units by the Iowa Department of Inspections and Appeals.
4. “Potentially hazardous food” A biological (microorganism), chemical (cleansers, pesticides), or physical (fingernail, plastic) property that may cause an unacceptable consumer health risk.

5. “Pushcart” means a non-motorized food establishment limited to serving non-potentially hazardous packaged foods with limited assembly or commercial or commissary prepared foods that are reheated on the pushcart, such as frankfurters. Pushcarts may be towed by a vehicle, but are generally capable of being moved by human power. Pushcarts are considered Class III mobile food units by the Iowa Department of Inspections and Appeals.

6. Mobile Food Unit License: This is a City of Windsor Heights issued license necessary for all Mobile Food Units operating in Windsor Heights City limits, unless the mobile food unit is operating on private property as part of a private event under Code Section 183.04.

7. Special Event Permit: This is a permit necessary for all Mobile Food Units operating in the City of Windsor Heights right-of-way or in a City Park. The permit is valid for a specified period of time and at a specified location. This permit does not supersede the need for a Mobile Food Unit License.

183.02 LICENSE AND PERMIT REQUIRED.

No person shall sell or offer for sale or otherwise engage in a business as a mobile food unit within the City without having first obtained a license to operate as such. A Mobile Food Unit License is a special license and is required in addition to any other required City business license or state license or permit the person may hold or be required to hold. A separate Mobile Food Unit License is required for each mobile food vehicle from which business is conducted in the City. Mobile Food Unit Licenses are not transferable or assignable. The license fee required shall be established by the City Council by resolution. Licenses expire 365 days after license issuance.

No person shall sell or offer for sale or otherwise engage in business as a mobile food unit within the public right-of-way or in a City Park unless otherwise approved by the City Administrator or their designee by a Special Event Permit. The granting of a Special Event Permit is discretionary based on available space and event requirements. A Special Event fee may be charged by the City of Windsor Heights or the event host.

183.03 APPLICATION.

A Mobile Food License application form available from the Building and Zoning Department must be filled out and submitted to the City Clerk for processing. The completed application must be submitted together with a copy of the applicant’s Iowa retail sales tax permit and proof of liability insurance, including commercial general liability insurance coverage and automotive liability insurance coverage. Commercial general liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than one million dollars per occurrence and aggregate combined single limit. Automobile liability insurance coverage shall include coverage for bodily injury, death and property damage with limits of liability of not less than one million dollars per occurrence, combined single limit. Certificates of insurance shall provide that the policy or policies have been endorsed to provide thirty days advance notice of cancellation and forty-five days advance notice of non-renewal and ten days

advance notice of cancellation for non-payment of premium and that these notices shall be provided to the City finance department by email, facsimile or mail. Cancellation of required insurance automatically revokes and terminates the Mobile Food Unit License to operate in Windsor Heights unless other insurance policies are provided in a timely manner to the City. If the mobile food unit sells food or beverages other than pre-packaged items that do not require hot or cold handling procedures, the application shall also contain a copy of the mobile food unit's license issued by the Iowa Department of Inspections and Appeals, a copy of the food establishment license issued by the Iowa Department of Inspections and Appeals for any commissary kitchen or other premises where food is prepared, copies of the food protection manager certifications, the name and address of the facility at which any waste fat, waste oil or waste grease generated by the mobile food unit operation is disposed of, and a copy of the certificate of annual compliance issued by the fire marshal of Des Moines, Clive, Urbandale, Johnston, Waukee, or West Des Moines.

183.04 EXCEPTIONS.

1. Mobile food units associated with a private party on private property hosted by the owner of the property upon which the unit is dispensing food and/or beverage, such as a graduation party, wedding reception, birthday celebration or similar event, are exempt from the licensing provisions of this chapter provided the unit's participation is by invitation or contract with the host and provided the vendor displays proof of its authorization to operate in Iowa and required health inspection certification.

183.05 GENERAL REGULATIONS FOR ALL MOBILE FOOD UNITS

1. Mobile food units shall have, and at all times maintain, all necessary licenses and permits from the Iowa Department of Inspections and Appeals as well as the City of Windsor Heights's required permits and licenses.

2. Mobile food units shall at all times operate in compliance with all applicable food, health and sanitation laws and shall comply with all health department regulations regarding food service, food storage and preparation, food handling and food cooking and shall have a valid inspection certificate or permit evidencing health department inspection and approval on display and easily visible to the mobile food unit's patrons at all times in operation.

3. No mobile food unit shall offer for sale or sell food and/or beverage between the hours of 12:00 a.m. and 6:00 a.m.

4. No mobile food unit may operate in the right-of-way absent of a receipt of a special event permit from City Administration or their designee.

5. No mobile food unit shall operate within a City park absent receipt of a special event permit from City Administration or their designee.

6. No mobile food unit shall park or stand within (1) 40 feet of a pedestrian crosswalk, or a stop sign or traffic signal light, (2) adjacent to a designated bicycle lane, or (3) absent written authorization of the restaurant, within 200 feet of any public entrance to any permanent restaurant during hours the restaurant is open for business. For purposes of this section, bars that serve food are deemed to be restaurants. Mobile food units that are not directly involved with the sponsor organization shall not park or stand within 1,200 feet (3 City blocks) of an approved special event.

7. No mobile food unit shall operate in a manner that violates Chapter 54 of the City Code concerning noise. A mobile food unit owner or operator shall not call out to, cry out, shout out or otherwise communicate or make any noise or use any device to call attention to their cart's location and operation.

8. A mobile food unit owner or operator is responsible for keeping and maintaining the area around and within fifty feet of the mobile food unit neat, clean and free from trash, debris, garbage and other hazardous conditions at all times regardless of whether the trash, debris or garbage originated from the operation of the unit or was left in the area by a pedestrian passerby or natural conditions. A mobile food unit owner or operator shall provide adequate trash receptacles for the public for all garbage from its operation and from the accumulation of garbage in the area around their unit all times the unit is in operation. At the close of its daily business, the mobile food unit owner or operator must remove all garbage from the area and properly dispose of it away from the site of its operation; the garbage shall not simply be placed in nearby public garbage receptacles provided for use to the general public at large.

9. The license required by this chapter, the state sales tax permit and all licenses, permits or certificates required to be displayed by state law, shall be posted on the mobile food unit so as to be readily visible to all persons conducting business with the mobile food unit.

10. Mobile food units shall only offer single service food utensils such as cups, straws, knives, forks, spoons, stirrers, plates, bowls, wrappers, containers, and similar utensils, which shall be individually wrapped if usual, and kept in a clean place and only used once in the service of food and/or beverage.

11. No mobile food unit shall be left at its operating location at the end of its business day and shall be removed to its base business operation location.

12. No mobile food unit shall conduct operations at a location or in a manner that hinders, impedes or restricts access to a pay phone, mail box, emergency call box, traffic control box, fire hydrant, entrance to a building or a driveway.

13. A mobile food unit operating on private property shall not encroach into any public sidewalk or public right-of-way. The window or area where a patron orders and receives their purchase shall be located so as to not require a patron to stand, or create a line that may cause pedestrians to be in the public right of way, vehicle travel lane, including parking lot drive aisles,

or similar situation that may create a potential safety hazard. Sales shall be conducted on the sidewalk or pathway side of the mobile food unit wherever possible, away from moving vehicles. All private property owners allowing mobile food units on property must maintain a food service license issued by the State of Iowa Department of Inspections & Appeals and certificate of insurance.

14. No mobile food unit is allowed on the grounds of any school unless it has been invited to be there as part of a school authorized function.

15. The City reserves the right to move a mobile food unit from any location if determined to be necessary for the provision of emergency or public services or in the interest of public safety, peace and welfare.

16. No mobile food unit shall offer for sale or sell any liquor, beer or wine from such unit unless a Liquor License has been approved by the Iowa Alcoholic Beverage Division.

17. No mobile food truck should provide or allow any dining area, tables, chairs, booths, benches, bar stools, stand-up counters, or similar furniture unless allowed by a private lease on private property.

18. No mobile food unit shall be used for any purpose other than as a mobile food unit offering food and/or beverage to customers.

19. Mobile food units shall serve patrons which are on foot only; no drive-up service to the unit itself shall be provided or allowed.

20. The mobile food unit must be located on a paved or rocked surface, unless approved as part of an event permit.

183.06 RESERVED.

183.07 RESERVED

183.08 ENFORCEMENT AND PENALTIES.

The Polk County Health Department, the Windsor Heights Police Department, the Windsor Heights Fire Department and the Windsor Heights Building and Zoning Department of the City of Windsor Heights are authorized to enforce this chapter. The Polk County Health Department may elect to pursue enforcement under the provision of this chapter or under applicable state laws and regulations with the sanctions available thereunder.

The performance of any action contrary to the provisions of this chapter may be cited as a municipal infraction offense. Additionally, failure to adhere to the regulations is cause for revocation or suspension of a license to operate as a mobile food unit.

Any license issued under the provisions of this chapter may be suspended or revoked by the City as follows:

- The vendor has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.
- The vendor has conducted his/her business in such manner as to endanger the public welfare, safety, order or morals.
- The City has received and investigated three (3) or more found complaints during the license term related to the manner in which the vendor is conducting business.

- **Emergency Revocation.** The Police or Fire Chief may suspend or revoke any license or permit immediately, upon oral notification to the operator of the mobile food unit, in the event the mobile food unit is creating a danger to the public health or safety. In such event, the vendor shall immediately cease operations. The Police or Fire Chief will cause the notice of revocation to be served in person by a city official or by mail to the vendor's local address within twenty-four (24) hours.

- **Notice of Suspension or Revocation; Right to Appeal.** The Police or Fire Chief shall cause notice of the certificate revocation to be served in person by a city official or by mail to the vendor's local address, which notice shall specify the reason(s) for such action, at which time operations of the vendor must cease within the corporate limits of the City. The vendor may appeal the revocation of the certificate to the City Council at its next regularly scheduled meeting by filing with the City Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. The City Council may affirm, modify or reverse the decision of the Police or Fire Chief to revoke such certificate. If a certificate is revoked, no refund of any license fee paid shall be made. Upon the revocation, the vendor is not eligible for the issuance of a new permit under this chapter for a period of one year from the date the permit revocation is served in person or deposited in the U.S. mail.

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved 1st Reading on this ____th day of _____, 2023.

Passed and approved 2nd Reading on this ____th day of _____, 2023.

Passed and approved 3rd and final Reading on this ____th day of _____, 2023.

Mike Jones, Mayor

(SEAL)

ATTEST: Adam Strait, City Clerk

CHAPTER 183 MOBILE FOOD UNITS

183.01 Definitions	183.06 Reserved <u>Pushcart Specific Regulations</u>
183.02 License and Permit Required	183.07 Mobile Food Unit Specific Regulations <u>Reserved</u>
183.03 Application	183.08 Enforcement and Penalties
183.04 Exceptions	
183.05 General Regulations for All Mobile Food Units and Pushcarts	

183.01 DEFINITIONS.

1. “Commissary” means a licensed food facility regulated by a governmental entity where food is stored, prepared, portioned, packaged or any combination thereof, and where such food is intended for consumption at another location or place from a mobile food unit, ~~or pushcart.~~

2. “Food establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. For the purposes of this chapter, “food establishment” does not include an establishment that offers only pre-packaged foods that are non-potentially hazardous; a produce stand which sells only whole, uncut fresh fruits and vegetables; an establishment operating in a farmers market if potentially hazardous food is not sold or distributed; a residence in which food that is non-potentially hazardous is sold for consumption off premises to a consumer customer provided the food is labeled so as to identify its preparer; a private home that receives catered or home-delivered food; child care facilities or food establishments in hospitals or health care facilities which are subject to regulation by state agencies; supply vehicles and vending machines.

3. “Mobile food unit” means motorized, ~~a self-propelled~~self-propelled food establishment food truck, or a trailer, pushcart, or vehicle towed by a motorized vehicle, that is readily movable including a tent, and which typically operates at a remote location and returns to base of operation or commissary at the end of its daily business. Mobile food units are considered Class III or Class IV mobile food units by the Iowa Department of Inspections and Appeals.

~~4. “Mobile food unit zone” means an area of governmentally owned property that has been designated as a location upon which mobile food units and pushcarts may sell or offer for sale for immediate consumption food and/or beverages.~~

~~54. “Potentially hazardous food” A biological (microorganism), chemical (cleansers, pesticides), or physical (fingernail, plastic) property that may cause an unacceptable consumer health risk.~~

~~65. “Pushcart” means a non-motorized food establishment limited to serving non-potentially hazardous packaged foods with limited assembly or commercial or commissary prepared foods that are reheated on the pushcart, such a frankfurters. Pushcarts may be towed by a vehicle, but are generally capable of being moved by human power. Pushcarts are considered Class III mobile food units by the Iowa Department of Inspections and Appeals.~~

~~6. Mobile Food Unit License: This is a City of Windsor Heights issued license necessary for all Mobile Food Units operating in Windsor Heights City limits, unless the mobile food unit is operating on private property as part of a private event under Code Section 183.04.~~

~~7. Special Event Permit: This is a permit necessary for all Mobile Food Units operating in the City of Windsor Heights right-of-wayROW or in a City Park. The permit is valid for a specified period of time and at a specified location. This permit does not supersede the need for a Mobile Food Unit License.~~

183.02 LICENSE AND PERMIT REQUIRED.

~~No person shall sell or offer for sale or otherwise engage in a business as a mobile food unit or pushcart within the City without having first obtained a license to operate as such. A Mmobile Ffood Uunit Llicense is a special license and is required in addition to any other required City business license or state license or permit the person may hold or be required to hold. A separate Mmobile Ffood Uunit Llicense is required for each mobile food vehicle or pushcart from which business is conducted in the City. Mobile Ffood Uunit Llicenses are not transferable or assignable. The license fee required shall be established by the City Council by resolution. Permits-Licenses expire at the end of each calendar year365 days: after license issuance.~~

~~No person shall sell or offer for sale or otherwise engage in business as a mobile food unit or pushcart within the public right-of-way or in a City Park, other than in a designated mobile food unit zone, unless a special occurrence permit has been obtained during a City affiliated event. The owner shall make a formal request and complete an application to the City outlining all dates/times. Special Occurrence Permits require Building Official approval and a fee established by City Council by resolution.unless unless otherwise approved by the City Administrator or their designee as part of a special eventby a Special Event Permit. The granting of a Special Event Permit is discretionary based on available space and event requirements. A Special Event fee may be charged by the City of Windsor Heights or the event host.~~

183.03 APPLICATION.

~~An A Mobile Food License~~ application form available from the Building and Zoning Department must ~~be~~ filled out and submitted to the ~~Building and Zoning Department~~ City Clerk for processing. The completed application must be submitted together with a copy of the applicant's Iowa retail sales tax permit and proof of liability insurance, including commercial general liability insurance coverage and automotive liability insurance coverage. Commercial general liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than one million dollars per occurrence and aggregate combined single limit. Automobile liability insurance coverage shall include coverage for bodily injury, death and property damage with limits of liability of not less than one million dollars per occurrence, combined single limit. Certificates of insurance shall provide that the policy or policies have been endorsed to provide thirty days advance notice of cancellation and forty-five days advance notice of non-renewal and ten days advance notice of cancellation for non-payment of premium and that these notices shall be provided to the City finance department by email, facsimile or mail. Cancellation of required insurance automatically revokes and terminates the ~~Mmobile Ffood Uunit L~~ license to operate in Windsor Heights unless other insurance policies are provided in a timely manner to the City. If the mobile food unit sells food or beverages other than pre-packaged items that do not require hot or cold handling procedures, the application shall also contain a copy of the mobile food unit's license issued by the Iowa Department of Inspections and Appeals, a copy of the food establishment license issued by the Iowa Department of Inspections and Appeals for any commissary kitchen or other premises where food is prepared, copies of the food protection manager certifications, the name and address of the facility at which any waste fat, waste oil or waste grease generated by the mobile food unit operation is disposed of, and a copy of the certificate of annual compliance issued by the fire marshal [of Des Moines, Clive, Urbandale, Johnston, Waukee, or West Des Moines](#).

183.04 EXCEPTIONS.

1. ~~Temporary Mobile~~ food units associated with a private party on ~~private, residential property~~ [private property](#) hosted by the owner of the property upon which the unit is dispensing food and/or beverage, such as a graduation party, wedding reception, birthday celebration or similar event, are exempt from the licensing provisions of this chapter provided the unit's participation is by invitation or contract with the host and provided the vendor displays proof of its authorization to operate in Iowa and required health inspection certification.

183.05 GENERAL REGULATIONS FOR ALL MOBILE FOOD UNITS ~~AND PUSHCARTS~~.

1. Mobile food units shall have, and at all times maintain, all necessary licenses and permits from the Iowa Department of Inspections and Appeals as well as the City of Windsor Heights's required permits and licenses.

2. Mobile food units ~~or pushcart~~ shall at all times operate in compliance with all applicable food, health and sanitation laws and shall comply with all health department regulations regarding food service, food storage and preparation, food handling and food cooking and shall have a valid inspection certificate or permit evidencing health department inspection and approval on display and easily visible to the mobile food unit's ~~or pushcart's~~ patrons at all times in operation.

3. No mobile food unit ~~or pushcart~~ shall offer for sale or sell food and/or beverage between the hours of 12:00 a.m. and 6:00 a.m.

4. No mobile food unit ~~or pushcart~~ may operate in the right-of-way ~~or outside of a designated mobile food vending zone established by the City of Windsor Heights~~ absent of ~~written permission~~ a receipt of a special event permit from City Administration or their designee. the premises obtaining a special occurrence permit which must be approved by the Building Official.

5. No mobile food unit ~~or pushcart~~ shall operate within a City park ~~unless such operation occurs within the boundaries of a designated mobile food unit zone or a separate Special Occurrence Permit~~ permit has been acquired from the Building Official. without written permission stipulating the time and location from City Administration or their designee ~~absent receipt of a special event permit from City Administration or their designee. Organizers of Park special events or renters of the Community Event Center reserve the right to restrict the number of mobile food unit or push carts and/or charge mobile food unit or pushcart vendors during special events.~~

6. No mobile food unit ~~or pushcart~~ shall park or stand ~~its pushcart or vehicle~~ within (1) 40 feet of a pedestrian crosswalk, or a stop sign or traffic signal light, (2) adjacent to a designated bicycle lane, or (3) absent written authorization of the restaurant, within 200 feet of any public entrance to any permanent restaurant during hours the restaurant is open for business. For purposes of this section, bars that serve food are deemed to be restaurants. Mobile food units ~~and pushcarts~~ that are not directly involved with the sponsor organization shall not park or stand within 1,200 feet (3 City blocks) of an approved special event.

7. No mobile food unit ~~or pushcart~~ shall operate in a manner that violates Chapter 54 of the City Code concerning noise. A mobile food unit owner or operator ~~or pushcart~~ shall not call out to, cry out, shout out or otherwise communicate or make any noise or use any device to call attention to ~~his or her unit's or their~~ cart's location and operation.

8. A mobile food unit owner or operator ~~or pushcart~~ is responsible for keeping and maintaining the area around and within fifty feet of the mobile food unit ~~or pushcart~~ neat, clean and free from trash, debris, garbage and other hazardous conditions at all times regardless of whether the trash, debris or garbage originated from the operation of the unit ~~or pushcart~~ or was left in the area by a pedestrian passerby or natural conditions. A

mobile food unit ~~owner or operator or pushcart~~ shall provide adequate trash receptacles for the public for all garbage from its operation and from the accumulation of garbage in the area around ~~his or her~~ their unit ~~or pushcart at~~ all times the unit is in operation. At the close of its daily business, the mobile food unit ~~owner or operator or pushcart~~ must remove all garbage from the area and properly dispose of it away from the site of its operation; the garbage shall not simply be placed in nearby public garbage receptacles provided for use to the general public at large.

9. The license required by this chapter, the state sales tax permit and all licenses, permits or certificates required to be displayed by state law, shall be posted on the mobile food unit ~~or pushcart~~ so as to be readily visible to all persons conducting business with the mobile food unit.

10. Mobile food units ~~and pushcarts~~ shall only offer single service food utensils such as cups, straws, knives, forks, spoons, stirrers, plates, bowls, wrappers, containers, and similar utensils, which shall be individually wrapped if usual, and kept in a clean place and only used once in the service of food and/or beverage.

11. No mobile food unit ~~or pushcart~~ shall ~~he be~~ left at its operating location at the end of its business day and shall be removed to its base business operation location.

12. No mobile food unit ~~or pushcart~~ shall conduct operations at a location or in a manner that hinders, impedes or restricts access to a pay phone, mail box, emergency call box, traffic control box, fire hydrant, entrance to a building or a driveway.

13. A mobile food unit ~~or pushcart~~ operating on private property shall not encroach into any public sidewalk or public right-of-way. The window or area where a patron orders and receives their purchase shall be located so as to not require a patron to stand, or create a line that may cause pedestrians to be in the public right of way, vehicle travel lane, including parking lot drive aisles, or similar situation that may create a potential safety hazard. Sales shall be conducted on the sidewalk or pathway side of the mobile food unit wherever possible, away from moving vehicles. All private property owners allowing mobile food units on property must ~~register with the City as having a mobile kitchen for public safety purposes maintain a food service license issued by the State of Iowa Department of Inspections & Appeals and certificate of insurance.~~

14. No mobile food unit ~~or pushcart~~ is allowed on the grounds of any school unless it has been invited to be there as part of a school authorized function.

15. The City reserves the right to move a mobile food unit ~~or pushcart~~ from any location if determined to be necessary for the provision of emergency or public services or in the interest of public safety, peace and welfare.

16. No mobile food unit ~~or pushcart~~ shall offer for sale or sell any liquor, beer or wine from such unit unless a Liquor License has been approved by the Iowa Alcoholic Beverage Division.

~~1. Sales shall be conducted on the sidewalk side of the mobile food unit wherever possible, away from moving vehicles.~~

~~–172. No mobile food truck should provide or allow any dining area, tables, chairs, booths, benches, bar stools, stand-up counters, or similar furniture unless allowed by a private lease on private property.~~

~~318. No mobile food unit shall be used for any purpose other than as a mobile food unit offering food and/or beverage to customers.~~

~~19. Mobile food units shall serve patrons which are on foot only; no drive-up service to the unit itself shall be provided or allowed.~~

~~20. The mobile food unit must be located on a paved or rocked surface, unless approved as part of an event permit.~~

~~–17. City sanction or sponsored events may be reserved or restricted by the City of Windsor Heights including the designated mobile food vending zone established by the City of Windsor Heights. Check with the Building Official for current event Special Occurrence Permits. Special Occurrent Permits are given on a first come first serve basis depending on space provided.~~

183.06 RESERVED.

183.06 PUSH CART SPECIFIC REGULATIONS.

~~–1. A pushcart shall not allow, cause or obstruct the passage along any sidewalk, street, alley or parking lot as a result of a congregation of people seeking service from the pushcart or because of the size, shape or placement of the pushcart so as to interfere, inhibit or block the normal flow of pedestrian or vehicular traffic.~~

~~–2. A pushcart shall not violate parking regulations.~~

~~–3. A pushcart shall not sell to any person operating a vehicle on a public street while the person's vehicle is located within the traveled portion of the roadway. A pushcart may sell to a person operating or occupying a motor vehicle that is legally parked, but may only do so from the curb side of said parked vehicle.~~

~~–4. No pushcart or equipment shall be allowed to remain in the public right-of-way at the close of business.~~

~~–5. All pushcarts and equipment associated with the business shall be maintained so as to enhance the aesthetic and overall appearance of the area in which the pushcart is operated.~~

~~–6. Pushcart vendors agree to indemnify and hold harmless the City from and against any and all loss, cost, damages or claims to persons or property, including property of the City, arising out of or claimed to have arisen out of the operation of a pushcart. In addition, pushcart vendors agree to defend, at no cost to the City, any such claims or lawsuits. The City may, at its option, join the defense of such claim or lawsuit without relieving the pushcart vendor from its obligations to indemnify, hold harmless and defend the City.~~

~~—7. Pushcarts may operate anywhere within a designated mobile food unit zone on a paved surface, designated parking space or sidewalk subject to the other requirements of this chapter. In addition, aA pushcart may operate at a requested location on private property provided application has been made for permission to operate the requested location and that application is accompanied by a verifiable letter from the owner or person in control of the property granting permission to operate on the premises. Permission by the owner/person in control of property may be rescinded at any time by notifying the City Building and Zoning Department in writing that permission is rescinded. If permission is rescinded, no fees or portion of fees paid will be refunded.~~

~~—8. No pushcart shall conduct business in areas of the City at which they are not permitted or authorized.~~

~~—9. Pushcarts shall be subject to the same permit and fee structure as all other mobile food units.~~

183.07 RESERVED

~~MOBILE FOOD UNIT SPECIFIC REGULATIONS.~~

~~—1. Sales shall be conducted on the sidewalk side of the mobile food unit wherever possible away from moving vehicles.~~

~~—2. No mobile food truck should provide or allow any dining area, tables, chairs, booths, benches, bar stools, stand-up counters, or similar furniture unless allowed by a private lease on private property.~~

~~—3. No mobile food unit shall be used for any purpose other than as a mobile food unit offering food and/or beverage to customers.~~

183.08 ENFORCEMENT AND PENALTIES.

The Polk County Health Department, the Windsor Heights Police Department, the Windsor Heights Fire Department and the Windsor Heights Building and Zoning Department of the City of Windsor Heights are authorized to enforce this chapter. The Polk County Health Department may elect to pursue enforcement under the provision of this chapter or under applicable state laws and regulations with the sanctions available thereunder.

The performance of any action contrary to the provisions of this chapter may be cited as a municipal infraction offense. Additionally, failure to adhere to the regulations is cause for revocation or suspension of a license to operate as a mobile food unit ~~or pushcart~~.

Any license issued under the provisions of this chapter may be suspended or revoked by the City as follows:

- The vendor has violated this chapter or any other chapter of this code or has

otherwise conducted his/her business in an unlawful manner.

• The vendor has conducted his/her business in such manner as to endanger the public welfare, safety, order or morals.

• The City has received and investigated three (3) or more found complaints during the license term related to the manner in which the vendor is conducting business.

• Emergency Revocation. The Police or Fire Chief may suspend or revoke any license or permit immediately, upon oral notification to the operator of the mobile food unit, in the event the mobile food unit is creating a danger to the public health or safety. In such event, the vendor shall immediately cease operations. The Police or Fire Chief will cause the notice of revocation to be served in person by a city official or by mail to the vendor's local address within twenty-four (24) hours.

• Notice of Suspension or Revocation; Right to Appeal. The Police or Fire Chief shall cause notice of the certificate revocation to be served in person by a city official or by mail to the vendor's local address, which notice shall specify the reason(s) for such action, at which time operations of the vendor must cease within the corporate limits of the City. The vendor may appeal the revocation of the certificate to the City Council at its next regularly scheduled meeting by filing with the City Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. The City Council may affirm, modify or reverse the decision of the Police or Fire Chief to revoke such certificate. If a certificate is revoked, no refund of any license fee paid shall be made. Upon the revocation, the vendor is not eligible for the issuance of a new permit under this chapter for a period of one year from the date the permit revocation is served in person or deposited in the U.S. mail.

(Ch. 183 – Ord. 18-10 – Jun. 18 Supp.)



**WINDSOR
HEIGHTS**
the heart of it all

City of Windsor Heights

www.windsorheights.org

Send to Windsor Heights at astrait@windsorheights.org or 515-645-6826

MOBILE FOOD UNIT LICENSE

Mobile Food Unit License: This is a City issued license necessary for all Mobile Food Units operating in Windsor Heights City limits unless operating on private property as part of a private event.

Date of Submission: _____ Fee Amount: \$75

NAME: _____ ADDRESS: _____

BUSINESS ADDRESS (if applicable): _____

EMAIL ADDRESS: _____ PHONE: _____

DESCRIPTION: _____

This application is for:
☐ Pushcart ☐ Mobile Food Unit ☐ Other _____

Describe the type of food and beverages to be sold? _____

- Attach a copy of approval required by the State of Iowa Department of Inspections and Appeals pursuant to Chapter 183.
Attach copy of Iowa Retail Sales Tax Permit.
Attach a copy of commercial general liability insurance shall include coverage for bodily injury, death and property damage with limits of liability of not less than one million dollars per occurrence and aggregate combined single limit.
Attach a copy of the certificate of annual compliance issued by the fire marshal of Des Moines, Clive, Urbandale, Johnston, Waukee, or West Des Moines.
Attach a copy of food protection manager certification.
Attach name and address of facility at which any waste fat or grease is disposed of.

Mobile Food Units are not allowed to operate in Right Of Way or on City property, including parks, without a Special Event Permit.

Signature _____ Date _____

City Clerk _____ Date _____

Location Approved:
Yes oN Other _____

Application and Payment:
Yes oN

License approved:
Yes oN Other _____

Approval Period: _____



**WINDSOR
HEIGHTS**
the heart of it all

City of Windsor Heights

www.windsorheights.org

Send to City Clerk at astrait@windsorheights.org or call 515-645-6810

MOBILE FOOD UNIT Special Event Permit

This is a permit necessary for all Mobile Food Units operating in the ROW or in a City Park. The permit is valid for a defined period at a specified location and is granted at the City Administrator's discretion. This permit does not supersede the need for a Mobile Food Unit License

Date of Submission: _____ Event Fee Amount (if any): _____

NAME: _____ ADDRESS: _____

BUSINESS ADDRESS (if applicable): _____

EMAIL ADDRESS: _____ PHONE: _____

DESCRIPTION: _____

This application is for:
☐ Pushcart ☐ Mobile Food Unit ☐ Other _____

Date, Location and Time Duration of Requested Special Event Permit: _____

Attach a copy of City of Windsor Heights Mobile Food Unit License pursuant to Chapter 183.

Signature _____ Date _____

City Administrator or Designee Approved _____ Date _____

Location Attached or Noted:
☐ Yes ☐ No ☐ Other _____

Application and Payment Complete:
☐ Yes ☐ No

Permit approved:
☐ Yes ☐ No ☐ Other _____

Approved Date, Location and Time Duration of Special Event Permit: _____

This permit shall be available for inspection at all times that the mobile food unit is in operation along with the City License.

ORDINANCE NO. 23-06

AN ORDINANCE AMENDING CHAPTERS 165 THROUGH 177 OF THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS RELATED TO ZONING

WHEREAS, the City of Windsor Heights seeks to promote the public health, safety, general welfare, and aesthetics of the community through consistent, content- neutral and nondiscriminatory code requirements within its city limits; and

WHEREAS, the Planning and Zoning Commission reviewed Chapters 165 through 177 and proposed changes and recommended approval of the same; and

WHEREAS, the City Council of the City of Windsor Heights do hereby find and declare that the amendments to Chapters 165 through 177 are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:

SECTION 1. Purpose. The purpose of this ordinance is to amend Chapters 165 through 177 as follows.

SECTION 2. Amended. See Exhibit 1.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed and Approved this Day of 2023.

1st Reading: November 20, 2023

2nd Reading:

3rd Reading:

Publish Date:

(SEAL)

Mike Jones, Mayor

ATTEST: Adam Strait, City Clerk

WINDSOR HEIGHTS MUNICIPAL CODE

CHAPTER 165 – CHAPTER 177

CHAPTER 165

ZONING CODE – GENERAL PROVISIONS

165.01 Title	165.05 Conflicting Provisions
165.02 Jurisdiction	165.06 Relief from Other Provisions
165.03 Purpose	165.07 Publication
165.04 Consistency with Comprehensive Development Plan	165.08 Severability

165.01 TITLE.

Chapters 165 through 177 of this Code of Ordinances shall be known as the Zoning Code of the City of Windsor Heights.

165.02 JURISDICTION.

The provisions of the Zoning Code shall be applicable to all property within the corporate limits of the City as authorized by Chapter 414 of the Code of Iowa.

165.03 PURPOSE.

The purposes of the Zoning Code are to:

1. Serve the public health, safety, and general welfare of the City and its jurisdiction.
2. Classify property in a manner that reflects its suitability for specific uses.
3. Provide for sound, attractive development within the City and its jurisdiction.
4. Encourage environmentalism of adjacent land uses.
5. Protect environmentally sensitive areas.
6. Further the objectives of the Comprehensive Development Plan of the City.

165.04 CONSISTENCY WITH COMPREHENSIVE DEVELOPMENT PLAN.

The City intends that this Zoning Code and any amendments to it shall be consistent with the City's Comprehensive Development Plan. It is the City's intent to amend this Code whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Development Plan.

165.05 CONFLICTING PROVISIONS.

The Zoning Code shall be held to provide the minimum requirements necessary for the promotion of public health, safety, and welfare. If any provision of the Zoning Code conflicts

with any other provision of the Zoning Code, any other Ordinance of the City, or any applicable State or federal law, the more restrictive provision shall apply.

165.06 RELIEF FROM OTHER PROVISIONS.

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or federal ordinance or statute.

165.07 PUBLICATION.

This Code shall be published in book or pamphlet form and, together with the maps being a part hereof, shall be filed with the City Administrator.

165.08 SEVERABILITY.

If any section, provision, or part of the Zoning Code be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

CHAPTER 166

ZONING CODE – DEFINITIONS

- 166.01 Purpose
166.02 General Construction of Language
- 166.03 Definition of Terms

166.01 PURPOSE.

The purpose of this chapter is to promote consistency and precision in the interpretation of this Zoning Code. The meaning and construction of words as set forth shall apply throughout this Zoning Code, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

166.02 GENERAL CONSTRUCTION OF LANGUAGE.

The following general rules of construction apply to the text of the Zoning Code.

1. Headings. Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Code.
2. Illustration. In the case of any real or apparent conflict between the text of this Zoning Code and any illustration explaining the text, the text shall apply.
3. Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - a. “And” indicates that all connected items or provisions apply.
 - b. “Or” indicates that the connected items or provisions may apply singly or in any combination.
 - c. “Either ... or” indicates that the connected items or provisions shall apply singly but not in combination.
4. Referenced Agencies. Unless otherwise indicated, all public officials, bodies, and agencies referred to in this chapter are those of the City.

166.03 DEFINITION OF TERMS.

For the purposes of this Zoning Code, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

1. “Absolute Photometry” means photometric measurements (usually of a solid-state luminaire) that directly measure the footprint of the luminaire. Reference Standard IES LM-79.
2. “Abutting” means having lot lines or district boundaries in common, including property separated by a public street or alley. This term is used interchangeably with “adjacent.”
3. “Accessory Structure” means a structure which is incidental to and customarily associated with a specific principal use or building on the same site. The structure may or may not contain a dwelling unit. See Dwelling, Accessory.

4. "Accessory Use" means a use which is incidental to and customarily associated with a specific principal use on the same site.
5. "Addition" means any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
6. "Administration" means governmental office uses providing administrative, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include Federal, State, County, and City offices.
7. "Administrative Official" means the Windsor Heights Administrative Official or appropriate designee.
8. "Adult Entertainment" means any business activity which offers the opportunity to view sexual activities or view or touch anatomical areas for entertainment purposes, depicts or describes sexual conduct. This category includes the sale or viewing of visual or print materials that meet these criteria. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize sexual content; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters.
- ~~9. "Agent of Owner" means any person showing written verification that he/she is acting for and with the knowledge and consent of a property owner.~~
- ~~10. "Agricultural Sales and Service" means establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides, and similar goods or in the provision of agriculture related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.~~
- ~~11.9.~~ "Alley" means a public right-of-way which is used as a secondary means of access to abutting property.
- ~~12.10.~~ "Alteration" means any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
- ~~13.11.~~ "Amateur Radio Tower" means a structure for the transmission or broadcasting of electromagnetic signals by FCC-licensed amateur radio operators.
- ~~14.12.~~ "Apartment" means a dwelling unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
- ~~15. "Architectural Lighting" means lighting designed to reveal architectural beauty, shape, and/or form and for which lighting for any other purpose is incidental.~~
- ~~16.13.~~ "Astronomic Time Switch" means an automatic lighting control device that switches outdoor lighting relative to the time of solar day with the time of year.
- ~~17.14.~~ "Attached" means having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, façade wall extension, or archway.
- ~~18.15.~~ "Automotive and Equipment Services" ~~means is an overarching term for the following~~ establishments or places of business primarily engaged in the sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

~~a. Automotive Rental and Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.~~

~~b.a.~~ Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

~~e.b.~~ Repair Services: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

~~d.c.~~ Equipment Rental and Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

~~e. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.~~

~~f.d.~~ Vehicle Storage (Short-term): Storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage of operating or non-operating vehicles beyond 21 days constitutes an industrial use type.

~~g.e.~~ Vehicle Storage (Long-Term): Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

~~19.16.~~ “Backlight” means, for an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.

~~20.17.~~ “Base Zoning District” means a district established by this Zoning Code which prescribes basic regulations governing land use and site development standards. For any actions taken after the effective date of this Code, no more than one Base Zoning District shall apply to any individually plated lot or parcel unless the lot or parcel is part of a Planned Unit Development.

- ~~21-18.~~ “Basement” means a level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement. Chapter 185 sets forth floodplain and floodway regulations governing building standards in flood-prone areas.
- ~~22-19.~~ “Bar” means a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.
- ~~23-20.~~ “Bed and Breakfast” means a lodging service that provides overnight or short-term accommodations to guests or visitors, usually including the provision of breakfast. Bed and breakfasts are usually located in large residential structures 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, include no more than ten units, and accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
- ~~24.~~ “Beginning of Construction” means the initial incorporation of labor and materials within the foundation of a building or structure.
- ~~25-21.~~ “Berm” means a mound of earth or fill material designed to blend into a landscape either to block out unwanted views or uses, to decrease noise, or to improve the design of a property.
- ~~26-22.~~ “Block” means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of the legal description of a property.
- ~~27-23.~~ “Blockface” means the property abutting one side of a street and lying between the two nearest intersection streets or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of the City.
- ~~28-24.~~ “Board of Adjustment” means a body established by the Code of Iowa for the purpose of issuing conditional use permits, interpreting and granting variances, and hearing appeals as provided by this Zoning Code.
- ~~29-25.~~ “Broadcasting Tower” means a structure for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district.
- ~~30-26.~~ “BUG” means a luminaire classification system that classifies backlight (B), uplight (U), and glare (G).
- ~~31-27.~~ “Buffer” means a combination of horizontal space (land) and vertical elements (plants, berm, fences, and walls), used to physically separate or visually screen incompatible adjacent land uses.
- ~~32-28.~~ “Buffer Yard” means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
- ~~33-29.~~ “Building” means a structure entirely separated from any other structure by space or by walls and having a roof and being built to provide shelter, support, or enclosure for persons or property.

- ~~34.30.~~ “Building Coverage” means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
- ~~35.31.~~ “Building Envelope” means the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
- ~~36.32.~~ “Building Line” means the outer boundary of a building established by the location of its exterior walls.
- ~~37.33.~~ “Building Marker” means an historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
- ~~38.34.~~ “Building Official” means the designee of the City Council, responsible for the enforcement of Chapter 155 of this Code of Ordinances.
- ~~39.35.~~ “Business” means activities that include the exchange or manufacture of goods or services on a site.
- ~~40.~~ ~~“Business Support Services” means an establishment or place of business primarily engaged in the sale, rental, or repair of equipment, supplies, and materials or the provision of services used by office, professional, and service establishments to the firms themselves but excluding automotive, construction, and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.~~
- ~~41.36.~~ “Caliper” means the diameter of a tree trunk. Usually used for trees less than 12 inches in diameter.
- ~~42.37.~~ “Campground” means facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
- ~~43.38.~~ “Canopy” means a projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter. A canopy may include a printed message or graphic, or not, and is treated no differently as a result under this ordinance.
- ~~44.39.~~ “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- ~~45.40.~~ “Certificate of Occupancy” means an official certificate issued by the Building Official, upon finding of conformance with the City’s Building Code (Chapter 155), and upon receipt of a Certificate of Zoning Compliance.
- ~~46.41.~~ “Certificate of Zoning Compliance” means an official certificate issued by the Building Official, which indicates that the proposed use of a building or land complies with the provisions of this Zoning Code.
- ~~47.42.~~ “Change of use” means the replacement of an existing use by a new use.
- ~~48.43.~~ “Clearance” means the distance from the bottom of a sign face elevated above grade and the grade below.
- ~~49.44.~~ “Civic Organizations” means uses providing meeting, recreational, or social facilities for a private, nonprofit, or non-commercial association, primarily for use by members and guests.

- ~~50. “College and University Facilities” means an educational institution of higher learning which offers courses of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.~~
- ~~51. “Collector street” means a street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.~~
- 52-45. “Commercial Recreation” means private businesses or other organizations, which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include driving ranges, theaters, private dance halls, or private skating facilities. Commercial recreation is divided into the following categories:
- a. Commercial Recreation (Limited): Facilities which include a structure of 10,000 square feet or less and/or a site covering an area of no more than one-half acre.
 - b. Commercial Recreation (General): Facilities which include a structure of more than 10,000 square feet and/or a site covering an area of more than one-half acre.
- ~~53-46.~~ “Communications Services” means establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but not including those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers and their minor ancillary ground structures are classified as miscellaneous use types.
- ~~54-47.~~ “Common Area” means an area held, designed, and designated for common or cooperative use within a development.
- ~~55-48.~~ “Common Development” means a development proposed and planned as one unified project not separated by a public street or alley.
- ~~56. “Common Open Space” means land within or related to a development that is not individually owned or dedicated for public use, designed, and generally intended for the common use of the residents of the development.~~
- ~~57-49.~~ “Commercial Breeders” means a person, engaged in the business of breeding dogs, cats, or other small animals who sells, exchanges, or leases animals in return for consideration or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. Typical uses are large-scale animal breeding operations.
- ~~58-50.~~ “Compatibility” means the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
- ~~59-51.~~ “Comprehensive Plan” means the duly adopted Comprehensive Development Plan of the City to address future growth and development.
- ~~60-52.~~ “Conditional Use Permit (CUP)” means a permit that is intended to accommodate those types of uses that don’t fit neatly into any particular zoning district, and which have the potential to impact surrounding properties. As part of the approval process, the Board of Adjustment can impose conditions on the proposed use to help minimize the potential impacts on surrounding properties.
- ~~61. “Conditioned Space” means an area, room, or space normally occupied and being heated and/or cooled by any equipment for human habitation.~~

- 62-53. “Conservation Subdivision” means, wholly or in the majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided:
- there is no increase in the overall density permitted for a conventional subdivision in a given zoning district; and
 - the remaining land area is used for common space.
- 63-54. “Construction Yards” means establishments, housing facilities, or businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor’s yards.
- 64-55. “Consumer Services” means establishments which provide services primarily to individuals and households, excluding automotive use types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.
- 65-56. “Convenience Storage” means storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding the use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini warehousing.
- 66-57. “Court” means an approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:
- Serves 12 or fewer housing units or platted lots.
 - Does not function as a local street because of its alignment, design, or location.
 - Is completely internal to a development.
 - Does not exceed 600 feet in length.
- 67-58. “Crop Production” means the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.
- 68-59. “Cultural Services” means a library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
- 69-60. “Custom Manufacturing” means establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures. This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops. This involves:
- The use of hand tools, or
 - The use of domestic mechanical equipment not exceeding 2 horsepower, or
 - A single kiln not exceeding 8 KW or equivalent.
- 70-61. “Curb” means a stone, concrete, or other improved boundary marking the edge of a road or other paved area.
- 71-62. “Curb Line” means a line, whether curbing exists or not, which is the edge of the pavement or shoulder.
- 72-63. “Day Care Services” means care for children in the absence of parents or adults requiring supervision for a portion of the day, but less than 24 hours.

- a. Day Care Services (Limited): This use type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for not more than six children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
- b. Day Care Services (General): This use type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

~~73-64.~~ “Deck” means an unroofed platform, unenclosed except by a railing, which is attached to the ground and/or another structure.

~~74-65.~~ “Density” means the amount of development per specific unit of a site.

~~75-66.~~ “Detention Facilities” means a publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

~~76-67.~~ “Drive-In Services” means uses which involve the sale of products or provision of services to occupants in vehicles.

~~77-68.~~ “Detached” means fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.

~~78-69.~~ “Driveway” means a permanent surface area providing vehicular access between a street and an off-street parking or loading area. A driveway surface area shall be asphaltic, Portland cement binder pavement, paver block, concrete block, or similar surface so as to provide a durable and dustless surface. Gravel or rock is not deemed to be a dustless surface.

~~79-70.~~ “Drive-Thru” means an establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in their vehicle that are in designated drive-thru stacking lanes. A drive-thru facility may be in combination with other uses, such as financial institutions, restaurants, pharmacies, and service providers such as dry cleaners.

~~80-71.~~ “Dwelling Unit” means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

~~81-72.~~ “Easement” means a privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.

~~82-73.~~ “Emergency Conditions” means lighting that is only energized during an emergency power source; or the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm; or lighting fed from a backup lighting for illuminating

~~83.~~ “Emergency Residential Services” means a facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings. Such facilities are limited to no more than ten victims at any one time.

- ~~84-74.~~ “Enclosed” means a roofed or covered space fully surrounded by walls.
- ~~85-75.~~ “Extended Stay Hotel or Motel” see “Lodging.”
- ~~86-76.~~ “Façade” means the exterior face of a building which is the architectural front, sometimes distinguished from the other faces by elaboration of architectural or ornamental details.
- ~~87-77.~~ “Family” means one or more persons occupying a single dwelling unit, related by blood, marriage, domestic partnership, adoption, or other custodial arrangement.
- ~~88-78.~~ “Family Home” Means a facility as defined in Section 414.22 of the Code of Iowa, including, but not limited to, Elder Family Homes and Elder Group Homes.
- a. “Elder Group Home” means a facility as defined in Section 231B of the Code of Iowa.
- ~~89-79.~~ “Federal” means pertaining to the Government of the United States of America.
- ~~90-80.~~ “Fence” means a structure made of wood, metal, masonry, or other material, typically used to screen, enclose, or divide open space for a setback or along a design site line.
- ~~91-81.~~ “Financial Services” means the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies. An ATM (automatic teller machine) which is not accompanied on-site by an office of its primary financial institution is considered a general retail service use type.
- ~~92-82.~~ “Firework Sales” means establishments selling consumer first class fireworks and consumer second class fireworks. A firework Seller License issued by the State Fire Marshal is required. Firework establishments must comply with all standards of the National Fire Protection Act 1124 and Code of Iowa, [Section 100.19](#).
- ~~93.~~ ~~“Floor Area Ratio” means the quotient of gross floor area divided by gross site area.~~
- ~~94-83.~~ “Food Sales” means establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
- a. Food Sales (Convenience): Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.
- b. Food Sales (Limited): Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.
- c. Food Sales (General): Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.
- ~~95-84.~~ “Footcandle” means the unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one-foot square from a distance of one foot.
- ~~96-85.~~ “Frontage” means the length of a property line of any one premise abutting and parallel to a public street, private way, or court.
- ~~97-86.~~ “Fully Shielded Luminaire” means a luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing

element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

~~98-87.~~ “Funeral Services” means establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

~~99-88.~~ “Gaming Facilities” means establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City or the State.

~~100-89.~~ “General Retail Services” means the sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photographic services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; retail sales of pets; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

a. General retail services (small scale) include facilities with no more than 10,000 square feet in a single establishment or 30,000 square feet within a multiple-tenant common development.

b. General retail services (large scale) include facilities of 10,000 or more square feet in a single establishment or 30,000 square feet within a multiple-tenant common development.

~~101-90.~~ “General Offices” means the use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices. The use may contain more than one commercial business or a group of nonresidential buildings within a common development.

~~102-91.~~ “General Industry” means enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, storage, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

~~103-92.~~ “Glare” means lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

~~104-93.~~ “Grade” means the horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

a. For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk (or the boundary line between the property and the street right-of-way in the absence of sidewalks) perpendicular to the center of the wall facing the street.

- b. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
- c. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

~~105-94.~~ “Groundcover” means vegetation that helps in stabilizing the soil such as vines, turf, low growing shrubs, and perennials.

~~106-95.~~ “Group Residential” means the use of a site for a residence by four or more unrelated persons or distinct individuals, not defined as a family, on a weekly or longer basis.

~~107-96.~~ “Group Care Facility” means a government-licensed or approved facility which provides for resident care and short or long-term, continuous multi-day occupancy of more than 8 but no more than 30 unrelated persons, not including resident staff. Group Care Facilities include facilities which provide services in accordance with individual needs for the:

- a. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
- b. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorders or developmental disabilities.
- c. Rehabilitation from the effects of drug or alcohol abuse.
- d. Supervision while under a program alternative to imprisonment, including (but not limited to) pre-release, work-release, and probationary programs.
- e. Others who require direct adult supervision.

~~108-97.~~ “Group Home” means a facility licensed by the State of Iowa in which at least three but no more than eight persons (not including resident managers or house parents), who are unrelated by blood, marriage, or adoption, reside while receiving therapy, training, living assistance, or counseling for the purpose of adaptation to living with or rehabilitation from a physical or mental disability as defined by the relevant provisions of the Code of Iowa or by the Fair Housing Amendments Act of 1988.

~~109-98.~~ “Gross Floor Area” means the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

~~110-99.~~ “Guidance Services” means a use providing counseling, direction, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

~~111-100.~~ “Hardscape” means permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.

~~112-101.~~ “Hardscape Area” means the area measured in square feet of all hardscape. It is used to calculate the Total Site Lumen Limit in both the Prescriptive Method and Performance Methods. Refer to Hardscape definition.

~~113.~~ “Hardscape Perimeter” means the perimeter measured in linear feet that is used to calculate the Total Site Lumen Limit in the Performance Method. Refer to Hardscape definition.

- ~~114-102.~~ “Heavy Industry” means enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.
- ~~115-103.~~ “Height” means the vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, gable, hip, shed, or gambrel roof. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.
- ~~116-104.~~ “Health Care” means a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors.
- Health Care (Small-Scale) includes facilities with no more than 10,000 square feet in a single establishment or 30,000 square feet within a multiple-tenant common development.
 - Health Care (Large-Scale) includes facilities of 10,000 or more square feet in a single establishment or 30,000 square feet within a multiple-tenant common development.
- ~~117-105.~~ “Hotel” see “Lodging.”
- ~~118-106.~~ “Home Based Business” or “Home Occupation” means an accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site or have any external evidence of such use.
- ~~119-107.~~ “Horticulture” means the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.
- ~~120-108.~~ “Housing Unit” or “Dwelling Unit” means a building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.
- ~~121.~~ ~~“IESNA” means Illuminating Engineering Society of North America.~~
- ~~122-109.~~ “Impervious Coverage” means the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.
- ~~123.~~ ~~“Impervious Material” means sealed to severely restrict water entry and movement.~~
- ~~124-110.~~ “Industry Standard Lighting Software” means lighting software that calculates point-by-point illuminance that includes reflected light using either raytracing or radiosity methods.
- ~~125-111.~~ “In-Patient Services” means uses providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or

emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental illness, or communicable disease. Typical uses include nursing homes.

~~126.112.~~ “Lamp” means a generic term for a source of optical radiation (i.e. “light”), often called a “bulb” or “tube”. Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

~~127.113.~~ “Landscaped Area” means the area within the boundaries of a given lot, site, or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, groundcover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

~~128.114.~~ “Landscape Lighting” means lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

~~129.115.~~ “Laundry Services” means establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

~~130.116.~~ “LED” means Light Emitting Diode.

~~131.117.~~ “Light Industry” means establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.

~~132.118.~~ “Lighting” means “electric,” “man-made,” or “artificial” lighting. See “Lighting Equipment.”

~~133.119.~~ “Lighting Equipment” means equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.

~~134.120.~~ “Lighting Zone” means a lighting category establishing legal limits for lighting for particular parcels, areas, or districts in a community.

~~135.121.~~ “Light Trespass” means light that falls beyond the property it is intended to illuminate.

~~136.122.~~ “Liquor Sales” means establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer, or wine for off-site consumption.

~~137.123.~~ “Lodging” means lodging services involving the provision of room and/or board, but not meeting the classification criteria of bed and breakfasts. Typical uses include the following definitions:

- a. “Extended Stay Hotel or Motel” means any structure consisting of one or more buildings, with more than five specific dwelling units with provisions for living, eating, contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves and ovens, sanitation, separate bathroom and kitchen sink, and sleeping in each unit, that is specifically constructed, kept, used, maintained,

advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, for a minimum stay of more than thirty days and a maximum stay of ten months within the dwelling units at the structure, that is approved pursuant to a valid certificate of occupancy issued by the building official having jurisdiction as having all of the required dwelling unit features, and for which such valid certificate of occupancy indicates the specific rooms within the structure that can be used as dwelling units, and that is approved by the Fire Marshal for extended stay temporary residence purposes. Each room shall be a minimum of 275 square feet in area, exclusive of bathroom, closet, or balcony space. Weekly services for each dwelling unit of linen change, towel change, soap change, general cleanup, and a registration lobby staffed on a 12-hour daily basis and 24-hour daily registration and emergency phone number are provided by the management. Each extended stay dwelling unit and facilities are subject to the City's rental inspection outlined in Chapter 156 of this Code of Ordinances (Rental Housing Code). For the purposes of parking requirements, extended stay hotels or motels will have to meet the Multi-Family Residential parking requirements.

- b. "Hotel" means one or more buildings containing 20 or more guest rooms, with such rooms being designed or intended to be used, or which are used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, soap change, general cleanup, and a registration lobby staffed on a 24-hour daily basis are provided by the management. Each room shall be a minimum of 250 square feet in area, exclusive of bathroom, closet, or balcony space. No room may be used by the same person or persons for a period exceeding 30 days per year. Access to all rooms shall be provided through one or more common entrances. Accessory uses are encouraged and permitted accessory uses include restaurants, cocktail lounges, banquet halls, ballrooms, or meeting rooms.
- c. "Motel" means a building or group of buildings containing dwelling units, intended to be used or which are used as temporary or overnight accommodations for guests, in which daily services of linen change, central telephone switchboard, towel change, soap change, general cleanup, and a registration lobby staffed on a 12-hour daily basis and 24-hour daily registration and emergency phone number are provided by the management. Each room shall be a minimum of 250 square feet in area, exclusive of bathroom, closet, or balcony space. No room may be used by the same person or persons for a period exceeding 30 days per year. Each living or sleeping unit shall have an individual entrance from outside the building. Living or sleeping units may be equipped with cooking facilities. Parking close to the entrance of each living or sleeping unit should be made available.

~~138-124.~~ "Illumination" means lighting sources installed for the primary purpose of lighting a specific sign or group of signs.

~~139.~~ "~~Interior Landscaped Area~~" means ~~any landscaped area within a site exclusive of required perimeter landscaping.~~

~~140-125.~~ "Landfill" means the use of a site as a depository for solid wastes, including:

- a. Landfill (Non-Putrescible Solid Waste Disposal) is the use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials, and ceramic tile.
- b. Landfill (Putrescible and Non-Putrescible Solid Waste Disposal) is the use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage), and manure.

~~141. "Landscape Amenities" means living or non-living materials used to augment the beauty or usability of a landscaped area. Amenities may include (but are not limited to) additional vegetation, flower gardens, tables, sculptures, monuments, benches, gardens, banners, enhanced pavement, pedestrian plaza areas, fountains, and planters.~~

~~142.126.~~ "Landscape Islands" means a raised unpaved area located within or protruding into a parking lot or the center, unpaved area of a cul-de-sac or traffic circle. The area of a landscape island is measured from the back of the curb to the back of curb.

~~143.127.~~ "Landscape Pod" means a small individual unpaved area within a parking lot incorporated to provide locations for vegetation, thus increasing the aesthetic quality of the parking lot.

~~144.128.~~ "Low Voltage Landscape Lighting" means landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less.

~~145.129.~~ "Loading Area" means an off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

~~146.130.~~ "Lot" means a parcel of property with a separate and distinct number or other identifying designation which has been created, assigned, and recorded in the Office of the Polk County Recorder. Each individual lot is subject to the provisions of a particular Base Zoning District and shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Conservation Subdivision.

- a. "Lot, Corner" means a lot located at the junction of at least two streets, private ways or courts, or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
- b. "Lot, Double Frontage" (also known as a "through lot") means a lot, other than a corner lot, having frontage on two streets, private ways, or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at the time of platting or as defined by this Zoning Code.
- c. "Lot, Interior" means a lot other than a corner lot.
- d. "Lot, Common Development" means a lot which is considered a single lot for the purposes of this Zoning Code, when two or more contiguous lots are developed as part of a Planned Unit Development.

~~147.131.~~ "Lot Area" means the total horizontal area within the lot lines of a lot.

~~148. "Lot Depth" means the mean or average horizontal distance measured between the front and rear lot lines.~~

- ~~149-132.~~ “Lot Line” means a property boundary line of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address which would result in a new definition of the prior defined lot lines.
- a. “Lot Line, Front” means the lot line separating a lot and a public or private street right-of-way or easement:
 - i. In the case of an Interior Lot, the front lot line is the line separating the lot from the right-of-way or easement;
 - ii. In the case of a Corner Lot, the front lot line is the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Building Official, or as may be noted on the final plat.
 - iii. In the case of a Double Frontage lot, the front lot line is the line separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building Official at the time of application for the original building permit for the lot, or as may be noted on the final plat.
 - b. “Lot Line, Rear” means the lot line which is opposite and most distant from the front line.
 - c. “Lot Line, Side” means any lot line that is neither a front nor rear lot line. A side lot line separating a lot from a street, private way, or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- ~~150-133.~~ “Lot Width” means the horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.
- ~~151-134.~~ “Lumen” means the unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).
- ~~152-135.~~ “Luminaire” means the complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.
- ~~153-136.~~ “Luminaire Lumens” means luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
- ~~154-137.~~ “Lux” means the SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.
- ~~155-138.~~ “Main Entrance” means that entrance of the building which is most architecturally prominent and contains operable doors. If multiple entrances are equal, the entrance that faces the most used street.

- ~~156-139.~~ “Maintenance Facilities” means a public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
- ~~157-140.~~ “Manufactured Home Dwelling” means a factory-built, single-family dwelling structure which is to be used as a place for human habitation, which is manufactured or constructed under the authority of 42 U.S. 3. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than 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 National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development 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 the Code of Iowa, Section 435. For the purpose of any of these regulations, a manufactured home shall be considered the same as a single-family detached dwelling.
- ~~158.~~ ~~“Manufactured Home Residential” means the use of a site for one or more manufactured home dwellings.~~
- ~~159-141.~~ “Medical Offices” means the use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which do not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Iowa.
- ~~160-142.~~ “Mixed-Use” means a single building containing two or more types of land uses; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.
- ~~161-143.~~ “Mixed-Use Development” means a single development which incorporates complementary land use types into a single development.
- ~~162-144.~~ “Mobile Home” means a building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the Manufactured Home Procedural and Enforcement Regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of “manufactured home dwelling.”
- ~~163-145.~~ “Mobile Home Park” means a unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile home parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
- ~~164.~~ ~~“Modular Housing Unit” means a factory-built structure that is manufactured in components. They must comply with the Iowa State Building Code for modular factory-built structures.~~

- ~~146.~~ “Motel” see “Lodging.”
- ~~147.~~ “Mounting Height” means the height of the photometric center of a luminaire above grade level.
- ~~148.~~ “Nonconforming Development” means a building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Code, but which complied with applicable regulations at the time of construction. No action can be taken which would increase the nonconforming characteristics of the development.
- ~~149.~~ “Nonconforming Lot” means a lot which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the nonconforming characteristics of the lot.
- ~~150.~~ “Nonconforming Structure” means a structure which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the nonconforming characteristics of the structure.
- ~~151.~~ “Nonconforming Use” means a land use which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the nonconforming characteristics of the land use.
- ~~152.~~ “Nuisance” means an unreasonable and continuous invasion of the use and enjoyment of a property right which a person would find annoying, unpleasant, obnoxious, or offensive.
- ~~153.~~ “Object” means a permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuildings, etc.
- ~~154.~~ “Object Height” means the highest point of an entity but shall not include antennas or similar structures.
- ~~155.~~ “Open Space” means any area within a single site or lot that is not covered by a building, structure, parking lot, or driveway. Sidewalks and patios may be counted as open space. Open space is an area which serves the need for leisure, recreation, or pedestrian interaction. Spaces may include (but are not limited to) plaza areas, open lawn areas, trails, recreation facilities, gardens, and pedestrian walkways.
- ~~156.~~ “Outdoor Lighting” means lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.
- ~~157.~~ “Outdoor Storage” means the storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
- ~~158.~~ “Overlay District” means a district established by this Zoning Code to prescribe special regulations to be applied to a site only in combination with a Base Zoning District.
- ~~159.~~ “Owner” means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek the development of land.
- ~~160.~~ “Parapet” means a low, solid, protective screening or decorative wall, often used around a balcony, or along the edge of a roof to screen roof equipment.
- ~~180.~~ “Park and Recreation Services” means publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.

- ~~181.161.~~ “Parking Facility” means an area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Code. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is distinct from parking and is regulated by provisions of Chapter 174 – Access & Parking.
- ~~182.162.~~ “Parking Space” means an area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with “parking stall.” Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.
- ~~183.163.~~ “Parking Structure” means the use of a site for a multi-level building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.
- ~~184.~~ ~~“Partly Shielded Luminaire” means a luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.~~
- ~~185.164.~~ “Paved” means permanently surfaced with poured concrete, concrete pavers, masonry units, brick, or asphalt.
- ~~186.165.~~ “Pawn Shop” means the location at which or premises upon which a pawnbroker regularly conducts business. Pawnbroker is defined in Chapter 124 of this Code of Ordinances.
- ~~187.166.~~ “Pawnbroker” means a person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee:
- a. Accepts a check, draft, share draft, or other instrument for the payment of money dated subsequent to the date it was written.
 - b. Accepts a check, draft, share draft, or other instrument for the payment of money dated on the date it was written and holds it for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, draft, or other instrument whether express or implied.
- ~~188.~~ ~~“Pedestrian Hardscape” means stone, brick, concrete, asphalt, or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.~~
- ~~189.167.~~ “Pet Services” means pet health services and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.
- ~~190.~~ ~~“Perimeter Landscaped Area” means any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.~~
- ~~191.168.~~ ~~“Pedestrian Style or Scale” or “Human Scale” means the establishment of appropriate proportions for building mass and features in relation to pedestrians and the surrounding context.~~
- ~~192.169.~~ “Permitted Use” means a land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Code.
- ~~193.170.~~ “Photoelectric Switch” means a control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.

- ~~194.171.~~ “Planning Commission” means the Planning and Zoning Commission of the City, as authorized pursuant to Chapter 414 of the Code of Iowa.
- ~~195.172.~~ “Planned Unit Development” means a development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
- ~~196.173.~~ “Plaza” means a public square or an open space.
- ~~197.174.~~ “Porch, Unenclosed” means a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than 30 inches above its floor other than wire screening and a roof with supporting structure.
- ~~198.175.~~ “Postal Facilities” means postal services, including post offices, bulk mail processing, or sorting centers operated by the United States Postal Service.
- ~~199.176.~~ “Premises” means a lot, parcel, tract, or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
- ~~177.~~ “Primary Educational Facilities” means a public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa. “Primary Street Frontage” means the building frontage that corresponds to the main street that provides access to the Primary Building Frontage for the structure or building. In the case of corner lots, both of the streets the building fronts are considered to be Primary Street Frontages.
- ~~200.178.~~ “Primary Building Frontage” means the building frontage that is most accessed by patrons or users of the building.
- ~~201.179.~~ “Private Garage” means a building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
- ~~202.180.~~ “Property Line” see “lot line.”
- ~~203.181.~~ “Public Assembly” means facilities owned and operated by a public agency or a charitable nonprofit organization accommodating the public for recreation, sports, amusement, religious worship, religious education, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.
- ~~204.182.~~ “Recreational Vehicle” means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include (but are not limited to) travel trailers; campers; motor coach homes; converted buses and trucks, snowmobiles, boats, and boat trailers.
- ~~205.183.~~ “Regulation” means a specific requirement set forth by this Zoning Code which must be followed.
- ~~206.184.~~ “Relative Photometry” means photometric measurements made of the lamp plus luminaire, adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.
- ~~207.185.~~ “Research Services” means establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

~~208-186.~~ “Restaurant, Drive-In or Fast-Food” means an establishment whose principal business is cooking and preparation of food to sell for consumption within a motor vehicle parked on the premises or within the restaurant building, or any combination thereof, and whose principal method of operation includes the following characteristics as contrasted to a standard restaurant; designed to attract and depend upon a large volume of customers; limited, relatively low-cost menu items; quick-order service at a window or counter, from where the customer generally carries the food to another counter or table for consumption; and most food is served in or on paper, plastic or other disposable containers; and any other restaurant not defined as a standard restaurant.

~~209-187.~~ “Restaurant, General” means an establishment whose principal business is cooking and preparation of food to sell for consumption within the restaurant building and whose principal method of operation is characterized by customers being seated by a restaurant employee and provided with an individual menu, and who are served by a restaurant employee at the same table or counter at which food and beverages are consumed; also including cafeteria line service offering a wide selection of main courses and other menu items, including restaurants with limited drive-thru service to customers in a motor vehicle. Delicatessens, establishments whose principal business is the sale of pizza or of ice cream, yogurt, coffee, or milk products are specifically included in the definition.

~~210-188.~~ “Residential” means the use of a site for one or more dwelling units.

- a. “Residential, Single-Family Detached” means a single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
- b. “Residential, Townhomes” means a townhome residential use with six or more units, in which the dwelling units have a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
- c. “Residential, Accessory Dwelling Unit” means a non-principal dwelling unit that is separate from the principal dwelling.
- d. “Residential, Duplex” means a residential use with two dwelling units contained within the same structure. Units do not have to contain a common wall and may be above or below each other.
- e. “Residential, Multi-Family” means a residential use with more than three units on a single lot in which all units do not contain at least one common wall with another unit. Units do not have to contain a common wall and may be above or below each other. Also known as Residential, Multiple-Family.
- f. “Residential, Downtown” means the use of upper levels above the street level of a building within the Urban Center District of the City for single- or multiple-family residential uses.

~~211-189.~~ “Retirement Residence” means a building or group of buildings which provide residential facilities for four or more residents of at least 50 years of age, or households headed by a householder of at least 50 years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including (but not limited to) food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent

units or meal service in one or more common areas. Retirement residences with more than 50 living units may include additional health care supervision or nursing care, provided that the number of beds for such residences shall not exceed 25% of the total number of individual living units. Typical uses include continuing care retirement centers.

~~212.190.~~ “Recycling Collection” means any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including (but not limited to) glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

~~213.191.~~ “Recycling Processing” means any site which is used for the processing of any post-consumer, non-durable goods including (but not limited to) glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

~~214.192.~~ “Resource Extraction” means a use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.

~~215.193.~~ “Right-of-Way” means an area dedicated for public use or contained in an easement or other conveyance or grant to the City, including (but not limited to) streets, alleys, boulevards, sidewalks, public greenways, and other public property between the lateral property lines in which a roadway lies.

~~216.~~ “Roof Line” means the top of the exterior wall on buildings without a pitched roof. On pitched roof buildings, it means the ridgeline of the roof.

~~217.194.~~ “Safety Services” means facilities for the conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

~~218.195.~~ “Salvage Services” means places of business primarily engaged in the storage, sale, dismantling, or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.

~~219.196.~~ “Screening” means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this Code.

~~220.~~ “Seasonal Lighting” means temporary lighting installed and operated in connection with holidays or traditions.

~~221.197.~~ “Secondary Educational Facilities” means a public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa.

~~222.198.~~ “Setback” means the distance, as required by the minimum setback, which establishes the horizontal component of the building envelope.

~~223.~~ “Shielded Directional Luminaire” means a luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.

~~224.199.~~ “Short Term Vacation Rental (STVR)” means a lodging service that provides overnight or short-term accommodations to guests and visitors. For the purpose of this definition, STVRs are always owned and operated by the resident owner of the structure and accommodate each guest or visitor for no more than 14 consecutive days during any one-month period. For the purpose of this definition, the lodging service must be approved

by a national accommodation service such as Airbnb, VRBO, or other similar service. To be used as an STVR, property owners shall reside at the residence a minimum of 180 calendar days per year.

~~225.200.~~ “Shrub” means a small woody plant generally less than 12 feet in height that is either deciduous or evergreen.

~~226.201.~~ “Sign” is any device, display, or structure that is visible from a public place and that has words, letters, figures, designs, symbols, logos, illumination, or projected images. This definition does not include architectural elements incorporated into the structure or façade of a building. For the purposes of this sign code, “signs” do not include those only visible from the inside of a building or athletic field/stadium; nor do “signs” include those held by or attached to a person. Sign regulations are set forth in Chapter 175 of this Zoning Code.

- a. “Sign, Abandoned” means a sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
- b. “Sign, Attached” means a sign which is structurally connected to a building or depends upon that building for support.
- c. “Sign, Auxiliary Design Elements” means terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
- d. “Sign, Awning” means a temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
- e. “Sign, Banner” means material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement under which pedestrian or vehicle traffic passes but does not include signs or materials under which peoples or traffic do not pass, such as that tied or secured within or to a window or porch opening, or tied or secured flush against a building.
- f. “Sign, Billboard” means a freestanding sign that is at least 14 feet by 30 feet.
- g. “Sign, Detached” means a sign which is self-supporting and structurally independent from any building.
- h. “Sign, Directional” means a sign which serves only to designate the location or direction of any area or place.
- i. “Sign, Double-Faced” means a sign consisting of no more than two parallel faces supported by a single structure.
- j. “Sign, Electronic Changeable Copy” means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or surface of the sign.
- k. “Sign, Ground” means a detached on-premises sign built on a freestanding frame, mast, or pole with a clearance no greater than 3 feet.
- l. “Sign, Marquee” means a permanent roofed structure attached to and supported by a building and extending over the public right-of-way.
- m. “Sign, Maximum Permitted Area” means the maximum permitted combined area of all signs allowed on a specific property.

- n. “Sign, Monument” means an on-premises freestanding sign with the appearance of a solid base. The base shall be at least 75% of the sign.
- o. “Sign, Moving” means a sign which conveys its message through rotating, changing, or animated elements.
- p. “Sign, Nonconforming” means a sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the nonconforming characteristics of the sign.
- q. “Sign, Pole” means an on-premises sign, including any flag, built on a freestanding frame, mast, or pole with a clearance greater than 3 feet, and where the support encompasses less than 75% of the width of the sign.
- r. “Sign, Portable” means any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.
- s. “Sign, Roof” means any sign or part of a sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
 - i. “Integral roof sign” means a roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
 - ii. “Above-peak roof sign” means a roof sign positioned above the peak of a roof or above a parapet or cornice.
- t. “Sign, Sidewalk” means a portable sign that is placed on the sidewalk close to an establishment. These are traditionally in the shape of an “A” or an inverted “T.”
- u. “Sign, Temporary” means a sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, or other lightweight material that is neither permanently installed in the ground nor permanently affixed to a building or structure that is permanently installed in the ground, and which is displayed less than 60 days. The term “temporary sign” includes, but is not limited to, A-frame signs, lawn signs, banners, and inflatable signs. The term “temporary sign” does not include flags and signs that are intended to regularly move, such as a moving sign.
- v. “Sign, Wall” means a sign attached to and parallel with the side of a building, including works of graphic art painted or applied to building walls.
- w. “Sign, Window” means a sign painted on or installed inside a window for the purpose of viewing from outside the premises. Window signs do not include messages, signs, or speech hung from or exercised in the interior of the home which are visible from the exterior of the home. Residents may elect for window signs to count towards residential signs or temporary signs.

227.202. “Sign Area” means the area of the surface of the sign to be measured.

- a. “Signs on a background” require the entire area of the framework or background of the sign.
- b. “Sign with a base” require the background not including the base.
- c. “Individually mounted letters or features” requires a rectangle that would encompass each word or feature.

- d. "Signs with two faces" requires the larger of two faces to be measured.
- e. "3-D signs" requires 50% of a rectangular prism that encompasses the object.
- ~~228-203.~~ "Site" means the parcel of land to be developed or built upon. A site may encompass a single lot or a group of lots developed as a common development under the special and overlay districts provisions of this Zoning Code.
- ~~229-204.~~ "Site Plan" means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land, and which includes any other information that may reasonably be requested by the City in order that an informed decision can be made on the associated request.
- ~~230-205.~~ "Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW), and which is intended to primarily reduce on-site consumption of utility-supplied electricity.
- ~~231-206.~~ "Surplus Sales" means businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor displays.
- ~~232-207.~~ "Story" means the portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite exterior walls are less than four feet.
- ~~233-208.~~ "Street" means a right-of-way dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Iowa statutes.
 - a. In regard to a site, the principal street shall be the street to which the majority of lots on a blockface are oriented;
 - b. The intersecting street shall be a street other than a principal street.
- ~~234-209.~~ "Street, Local" means a street which is used primarily for access to the abutting properties.
- ~~235-210.~~ "Street, Major" means a street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Plan.
- ~~236-211.~~ "Street Façade" means any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street façade.
- ~~237-212.~~ "Streetscape" means a combination of vegetation, amenities such as bike racks, and special visual features along either side of vehicular travel lanes for the purpose of aesthetics or shade.
- ~~238-213.~~ "Structure" means any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.
- ~~239-214.~~ "Temporary Use" means a conduct of an activity or the performance of a function or operation on a site or in a building or facility that is not intended to be permanent.

- a. "Temporary Use (Short-term)" means a short-term use with a maximum duration of four consecutive days or less.
- b. "Temporary Use (Long-term)" means a long-term use in duration of more than four consecutive days but less than six months.

~~240-215.~~ "Temporary Structure" means any shed, structure, building, trailer, tent, or enclosure of any kind used for storage, commercial, business, or residential purposes which any person or business intends to place on the same lot with or on any lot immediately adjacent to, any permanent structure used for business or commercial or residential purposes. This term includes "Temporary Portable Storage Container," which is defined as a large container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods and that does not contain a foundation or wheels for movement. All other words or phrases shall have the same meaning assigned to them in Chapter 166 of this Code of Ordinances.

~~241-216.~~ "Time Switch" means an automatic lighting control device that switches lights according to the time of day.

~~242-217.~~ "Tower Height" means the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

~~243-218.~~ "Total Extended Height" means the height above grade to a blade tip at its highest point.

~~244-219.~~ "Trade Services" means establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

~~245-220.~~ "Translucent" means allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).

~~246. "Travel Way" means a pedestrian or automotive path.~~

~~247-221.~~ "Transportation Terminal" means a facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.

~~248-222.~~ "Truck Terminal" means a facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

~~249. "Turf Grass" means a surface layer of earth containing mowed grass with its roots.~~

~~250-223.~~ "Unshielded Luminaire" means a luminaire capable of emitting light in any direction including downwards.

~~251-224.~~ "Uplight" means for an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

~~252-225.~~ "Use" means the conduct of an activity or the performance of a function or operation on a site or in a building or facility.

~~253-226.~~ "Utilities" means any above-ground structure or facilities other than lines, poles, and other incidental facilities or installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatment, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

- ~~254.~~ “Vehicle Use Area” means the area of a development subject to vehicle traffic, including access ways, loading and service areas, areas used for parking or storage of vehicles, boats, or portable construction equipment, and all land which vehicles cross over as a function of the primary use.
- ~~255-227.~~ “Vertical Illuminance” means illuminance measured or calculated in a plane perpendicular to the site boundary or property line.
- ~~256-228.~~ “Veterinary Services” means veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.
- ~~257-229.~~ “Vision Clearance Triangle” means a triangle with legs of 15 feet from the point at which the curbs or edges of two intersecting streets, private ways, or courts or an intersecting street, private way, or court and driveway, meet at grade.
- ~~258-230.~~ “Warehousing” means uses including open-air storage, distribution, and handling of goods and materials, but not including storage of hazardous materials. Typical uses include monument yards or open storage.
- ~~259-231.~~ “Yard, Required” means that portion of a lot which lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this Zoning Code.
- a. “Front Yard” means the space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:
 - i. The yard along the blockface to which a greater number of structures are oriented; or
 - ii. The yard along a street that has the smaller horizontal dimension.
 - b. “Rear Yard” means the space extending the full width of a lot, lying between the rear lot line and the rear setback line.
 - c. “Interior Side Yard” means the space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.
 - d. “Street Side Yard” means, on a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.
- ~~260-232.~~ “Zoned Lot” means a parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.
- ~~261-233.~~ “Zoning District” means a designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Code.

(Ch. 166 – Ord. 17-12 – Dec. 17 Supp.)

CHAPTER 168
ZONING CODE – ZONING DISTRICT REGULATIONS

168.01 Purpose	168.06 Interpretation of District Boundaries
168.02 Establishment of Districts	168.07 Vacation of Streets and Alleys
168.03 Application of Districts	168.08 Permitted Uses
168.04 Development Regulations	
168.05 Zoning Map	

168.01 PURPOSE.

This chapter presents the Zoning District Regulations. Zoning Districts are established in this Zoning Code to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

168.02 ESTABLISHMENT OF DISTRICTS.

The following base districts and overlay districts are hereby established. Table 168-1 displays the purposes of these districts.

<u>BASE ZONING DISTRICT</u>	<u>DISTRICT NAME</u>
R-1	Low Intensity Residential District
R-2	Urban Family Residential District
R-3	Multiple-Family Residential District
MH	Mobile Home Residential District
CC	Community Commercial District
UC	Urban Center District
LI	Limited Industrial District

<u>OVERLAY DISTRICT</u>	<u>DISTRICT NAME</u>
PUD	Planned Unit Development Overlay District
F	Floodplain/Floodway Overlay District

168.03 APPLICATION OF DISTRICTS.

A base district designation shall apply to each lot or site within the City and its planning jurisdiction. Each site must be in one base district. The Planned Unit Development and Floodplain/Floodway Overlay Districts may be applied to any lot or site or any portion thereof, in addition to any base district designation.

168.04 DEVELOPMENT REGULATIONS.

For each Zoning District: Purposes are set forth in Table 168-1; uses permitted are set forth in Table 168-2; and site development regulations are presented in Table 168-3. Supplemental regulations may affect specific land uses or development regulations in each zoning district. The applicable supplemental regulations are noted in Table 168-2.

168.05 ZONING MAP.

1. Adoption of Zoning Map. Boundaries of zoning districts established by this Zoning Code shall be shown on the Zoning Map maintained by the City Clerk. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this Code. The Zoning Map shall be prominently displayed in the Council Chambers and/or an area accessible to the public at City Hall.

2. Changes to the Zoning Map. The Zoning Map may be changed by ordinance, following the procedure set forth by Chapter 177. Such changes shall be reflected on the Zoning Map. The Zoning Administrator shall keep a complete record of all changes to the Zoning Map. †

†See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.

168.06 INTERPRETATION OF DISTRICT BOUNDARIES.

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

1. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.

2. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.

3. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.

4. The City Council shall determine any other uncertainty regarding district boundaries not covered in this section.

168.07 VACATION OF STREETS AND ALLEYS.

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

168.08 PERMITTED USES

Table 168-1 – Purposes of Zoning Districts

Symbol	Title	Purpose
R-1	Low Intensity Density Residential	This district is intended to provide for low to medium-density residential neighborhoods, characterized by single-family and two-family dwellings on moderately sized lots with supporting community facilities and urban services. Its regulations apply to established parts of Windsor Heights and to new areas which are developed to higher residential densities. Regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.

R-2	Urban Family Residential	This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on small to moderately sized lots and low-density, multiple-family development. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and newer neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	Multiple-Family Residential	This district is intended to provide locations primarily for residential multiple-family housing, with supporting and appropriate community facilities. It also permits some nonresidential uses such as offices through a special permit procedure, to permit the development of mixed-use neighborhoods.
MH	Mobile Home Residential	This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.
CC	Community Commercial	This district is intended for commercial facilities which serve the needs of markets ranging from several neighborhoods to the overall region. CC Districts are appropriate at major intersections, at the junction of several neighborhoods, or at substantial commercial sub-centers.
UC	Urban Center	This district recognizes the mixed-use character primarily along the University Avenue corridor, which is the principal route through central Windsor Heights. This district contains a combination of residential, commercial, and office uses and is known for its walkability and main street feel.
LI	Limited Industrial	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development while assuring that facilities are served with adequate parking and loading facilities.
Special and Overlay Districts: These districts may be applied to a parcel in combination with a Base Zoning District. Overlay Districts are intended to help the City manage development in areas that exhibit special characteristics or features that warrant a greater differentiation of standards. Special and Overlay Districts include:		
Planned Unit Development District		
Floodplain/Floodway District		
Specific purposes and standards for each Overlay District are detailed in Chapter 169: Special and Overlay Districts.		

Table 168-2 – Permitted Uses by Zoning District

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Administration	C	C	C	C	P	P	P
Adult Entertainment							C
Agricultural Sales/Service					C		P
Alternative Energy Production Devices	C	C	C	C	C		P
Amateur Radio Tower	P	P	P	P	P	P	P
Animal Production							C
Auto Rental/Sales					P		P
Auto Services					P	C	P
Bars					P	P	P
Bed and Breakfast	C	C	C		P	P	
Body Repair					C		P
Broadcasting Tower					C		C
Business Support					P	P	P
Business/Trade School					P	P	P
Cemetery	C	C	C				
Civic Organizations	C	C	C	C	P	P	
College/University	C	C	C	C	P	C	
Commercial Breeders							P
Commercial Recreation (General)					C	C	P
Commercial Recreation (Limited)					P	P	P
Communications Services					P	P	P
Construction Batch Plant							P
Construction Sales/Service					P		P
Construction Yards							C
Consumer Services					P	P	P
In-Patient Services	C	C	C	C	P	C	
Convenience Storage					C		P
Crop Production							
Cultural Services	C	C	P	P	P	P	P
Custom Manufacturing					C	C	P
Day Care (General)	C	C	P	C	P	P	C
Day Care (Limited)	P	P	P	P	P	P	C

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Pawn Shop							C
Detention Facilities							C
Emergency Residential	C	C	C	C	P	P	C
Equipment Rental/Sales							P
Equipment Repair							P
Family Home	C	C	P	C		P	
Financial Services			C		P	P	P
Firework Sales							P
Food Sales (Convenience)					P	C	
Food Sales (General)					P	C	
Food Sales (Limited)					P	P	
Funeral Services		C	C		P	P	
Gaming Facility					C	C	
General Industry							C
General Offices			C		P	P	P
General Retail (Large-Scale)					P	C	
General Retail (Small-Scale)					P	P	
Group Care Facility	C	C	P	C	P	P	C
Group Home	C	C	P	P	P	P	
Guidance Services			C		P	P	P
Health Care (Large-Scale)			C		C	C	C
Health Care (Small-Scale)		C	C		P	P	P
Heavy Industry							C
Horticulture					C		
Landfill (Putrescible)							C
Landfill (Non-Putrescible)							C
Laundry Services					P	C	P
Liquor Sales					P	P	
Light Industry							P
Lodging					P	P	
Maintenance Facility							P
Manufactured Housing Residential	P	P	P	P			

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Medical Offices			C		P	P	P
Mobile Home Park				C			
Off-Street Parking					C	C	P
Parking Structure					C	P	P
Parks/Recreation	P	P	P	P	P	P	P
Pet Services					P	C	P
Postal Facilities					P	P	P
Primary Education	P	P	P	P	P	P	
Public Assembly	P	P	P	P	P	P	
Railroad Facilities							P
Recycling Collection					C		P
Recycling Processing							C
Repair Services							P
Research Services					P	P	P
Residential, Accessory Dwelling Unit	C	P	P				
Residential, Downtown						P	
Residential, Duplex	C	P	P			P	
Residential, Multi-Family		C	P		C	P	
Residential, Single-Family Detached	P	P	P	P		P	
Residential, Townhouse		C	P		C	P	
Resource Extraction							C
Restaurants (Drive-In)					P	C	P
Restaurants (General)					P	P	C
Retirement Residential	C	C	P	C		C	
Safety Services	C	C	P	P	P	P	P
Salvage Services							C
Secondary Education	C	C	C	C	P	P	
Surplus Sales					C	C	P
STVR (Short Term Vacation Rental)	P	P	P	P	P	P	
Trade Services					P	C	P
Transportation Terminal					P	C	P
Truck Terminal							C

Use Types	R-1	R-2	R-3	MH	CC	UC	LI
Utilities	C	C	C	C	P	P	P
Vehicle Storage (Short-term)							P
Vehicle Storage (Long-term)							C
Veterinary Services					P	P	P
Warehousing							C

Note:

P = Uses Permitted by Right

C = Uses Permitted by Conditional Use permit approval according to Sec. 177.03.

Blank = Use Not Permitted

Table 168-3 – Summary of Site Development Regulations

Regulator	R-1	R-2	R-3	MH
Minimum Lot Area (square feet)	7,200	7,200	7,200	See Section 171.02
Minimum Lot Width (feet)	50	50	50	See Section 171.02
Minimum Yards (feet)				
Front Yard	25	25	25	See Section 171.02
Street Side Yard	25	25	25	See Section 171.02
Interior Side Yard	5	5	5	See Section 171.02
Rear Yard	15	15	15	See Section 171.02
Maximum Height (feet)				
Main Building	35	35	35	See

				Section 171.02
Accessory Building	25	25	25	See Section 171.02
Maximum Building Coverage	40%	50%	50%	See Section 171.02
Maximum Impervious Coverage	65%	65%	65%	50%
Maximum Residential Units Per Acre (du/ac)	7.5	10	20	20
Lighting Zone	LZ-1	LZ-1	LZ-2	LZ-2

Regulator	CC	UC	LI
Minimum Lot Area (square feet)	10,000	5,000	10,000
Minimum Lot Width (feet)	50	25	50
Minimum Yards (feet)			
Front Yard	15	0	25
Street Side Yard	15	0	25
Interior Side Yard	10	0	25
Rear Yard	20	10	25
Maximum Height (feet)			
Main Building	60	60	45
Maximum Building Coverage	60%	60%	70%
Maximum Impervious Coverage	80%	N/A	80%
Maximum Residential Units per Acre (du/ac)	20	50	0
Lighting Zone	LZ-3	LZ-3	LZ-2

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 168.06 of this chapter and have not been codified herein, but have been specifically saved from repeal and are in full force and effect.

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
98-1	2-Feb-98		
99-2	5-Apr-99		
2-Jul	16-Jul-07		
3-Sep	6-Apr-09		
19-07	21-Oct-19		

(Ch. 168 – Ord. 17-11 – Dec. 17 Supp.)

CHAPTER 169
ZONING CODE – OVERLAY DISTRICTS

169.01 General Purpose 169.02 Planned Unit Development District

169.01 GENERAL PURPOSE.

Overlay Districts provide for base districts that allow multiple land uses and flexible development, with the requirement that a specific plan for the area be submitted by applicants. Overlay Districts are used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to the special needs of different parts of the City. The Overlay Districts are designed to achieve the following objectives:

1. To recognize special conditions in specific parts of the City which require specific regulation.
2. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

169.02 PLANNED UNIT DEVELOPMENT DISTRICT.

The Planned Unit Development (PUD) Overlay District is intended to provide flexibility in the design of planned projects, to permit innovation in project design that incorporates open space and other amenities, and to ensure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Zoning Code. The PUD District, which is adopted by the City Council with the recommendation of the Planning and Zoning Commission, assures specific development standards for each designated project. All projects in the PUD District shall follow the procedures set forth in Chapter 170 of this Zoning Code.

1. Permitted Uses. Uses permitted in a PUD Overlay District are those permitted in the underlying base district.
2. Site Development Regulations. Site development regulations are developed individually for each Planned Unit Development District but must comply with minimum or maximum standards established for the base district, with the following exceptions:
 - A. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded.
 - B. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60%.
3. Access to Public Streets. Each PUD District must abut a public street for at least 50 feet and gain access from that street.
4. Adoption of District.
 - A. The Planning and Zoning Commission and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.
 - B. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.

C. The Planning and Zoning Commission may recommend amendments to PUD district applications.

D. The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council for final action.

E. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing a Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.

F. An ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable simple majority of the City Council for approval.

G. Upon approval by the City Council, the Development Plan shall become a part of the ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk.

5. Amendment Procedure. Major amendments to the Development Plan must be approved according to the same procedure set forth in Subsection 4 of this section.

6. Building Permits. The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan and any approved amendments.

7. Termination of PUD District. If no substantial development has taken place in a Planned Unit Development District for 18 months following approval of the District, the Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

(Ch. 169 – Ord. 18-19 – Mar. 19 Supp.)

CHAPTER 170
ZONING CODE – DEVELOPMENT AND DESIGN STANDARDS

170.01 Purpose and Scope	170.05 Amendment
170.02 Development and Design Standards	170.06 Site Review Process
170.03 Jurisdiction	170.07 Site Plan Review Requirements
170.04 Validity of Approval	

170.01 PURPOSE AND SCOPE.

The purpose of this Ordinance is to provide guidance and standards for development within the City in order to guide development in a manner which is conducive to protecting the health, safety, and general welfare of residents and property owners within the City. All development and redevelopment of land or property within the City shall minimize adverse effects upon adjacent properties by maintaining or improving upon the aesthetic quality of a surrounding area, and by providing adequate pedestrian and traffic safety, emergency access, water supply, sewage disposal, management of stormwater, and erosion and sediment control. Site Plan review and approval by City Council shall be required for all principal structures other than individual single family detached, duplex, and parking lot as a primary use in any zoning district.

170.02 DEVELOPMENT AND DESIGN STANDARDS.

This section provides for the administration and enforcement of site plans, establishes standards for site and building design, and shall be known, referred to, and cited as the “Development and Design Standards” of the City of Windsor Heights, Iowa.

170.03 JURISDICTION.

No permit shall be issued for any lot or development requiring the approval of a Site Plan after the effective date unless it is in compliance with the provisions of the regulations of the Code of Ordinances. No development, except where specified within the Code of Ordinances, may be created, substantially improved, converted, enlarged, or otherwise altered without conforming to the provisions of this section, all applicable provisions of the Code of Iowa, as amended, and all applicable provisions of the Windsor Heights City Code, as amended.

170.04 VALIDITY OF APPROVAL.

A Site Plan shall become effective upon certification of approval by the City Council. The City Council’s approval of any Site Plan required by this Code of Ordinances shall remain valid for 1 year. A 1) year extension may be granted with the approval of the City Council. If development has not been established or construction commenced within 1 year, or 2 years in case of a received extension, the Site Plan shall be deemed null and void.

For the purpose of this chapter, “actual construction” shall mean that the permanent placement of construction materials and utility work has started and is proceeding without undue delay with an approved building permit. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property, or stockpiling of materials on the site shall not constitute actual construction. At the time of Site Plan approval, the City Council may

grant an exemption on the time construction shall begin after their approval is given for a utility service structure.

170.05 AMENDMENT.

Any Site Plan may be amended in accordance with the standards and procedures established herein, including payment of fees, provided that the Administrative Official may waive such procedures for those minor changes hereinafter listed. Such minor changes shall not be made unless the prior written approval for such changes is obtained from the Administrative Official. No fees shall be required for such minor changes.

Minor changes include, but are not limited to the following:

1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s);
2. Relocation of building entrances or exits;
3. Shortening of building canopies;
4. Changing to a more restrictive commercial or industrial use, provided the number of off-street parking spaces meets the requirement of the Windsor Heights Zoning Ordinance. This does not apply to residential uses;
5. The changing of the angle of parking or aisle provided there is no reduction in the amount of off-street parking as originally approved;
6. Substituting plant species provided a landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effect.

170.06 SITE REVIEW PROCESS.

The Administrative Official is responsible for the established Site Plan and Site Review Process. The Administrative Official will serve as the Administrator of the Ordinance and the liaison between the applicant and reviewing bodies to ensure compliance with the Ordinance is met.

1. Notice and Hearings.
 - a. Public Hearing. Before submitting its recommendation on a Site Plan to the City Council, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of which will be given to all property owners within 200 feet whenever possible. Notice shall be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which the proposed amendment to the Ordinance will be held as well as the legal description or address of said property.
2. Submission Requirements. The applicant shall submit a Site Review application and all associated fees with preliminary plans to the Planning Department. The Planning and Zoning Commission is required to review site plans and make a recommendation to the city council. Additionally, the applicant will provide:
 - a. Full name, address, and contact information of the applicant in a reproducible electronic format.
 - b. Full legal description of the property in a reproducible electronic format.
 - c. Name and address of all property owners within 200' of the proposed development in a reproducible electronic format.

3. Applicability. A Site Plan Review shall be required for the following:
 - a. New construction;
 - b. Major reconstruction (more than 30% of the exterior structure is affected);
 - c. Major renovation (more than 30% of the interior structure is affected);
 - d. Changes to parking (more than 30% of the existing area);
 - e. Any Development the Zoning Administrator deems is substantial enough to require oversight by the Planning Commission with Site Plan Review.
4. Pre-application Meeting. The applicant is required to attend a scheduled predevelopment meeting with City staff to review a conceptual Site Plan prior to the submittal of a full Site Plan. Following the predevelopment meeting, the applicant shall submit a complete Site Plan in accordance with the requirements of the Site Plan and any other information determined to be necessary for review at the Planning and Zoning Commission meeting.
5. Elevations. As part of the review process, an applicant shall provide colored architectural elevation drawings for each elevation of the building or buildings proposed for new construction, addition, alteration, or the like.
 - a. The elevation drawings should be provided in 11" by 17" format unless otherwise approved by the Administrative Official.
 - b. Each elevation drawing should include massing dimensions and callouts of the proposed materials indicated on the elevation.
 - c. In the event that accessory structures are proposed as a part of the site plan review process, the Administrative Official shall have the ability to request elevation drawings or colored details of said accessory structures to ensure compliance with the provisions of this ordinance.

170.07 SITE PLAN REVIEW REQUIREMENTS.

Site Plans shall be submitted in electronic format with the ability to provide physical copies sized 24" by 36" upon request by the Zoning Administrator. A Site Plan will not be submitted to the Planning and Zoning Commission for action until it is deemed complete. The Administrative Official has the authority to deem the submittal complete. Review and comment by the Fire Inspector, Public Works, Engineer, and other Administrative Officials will be obtained before Planning and Zoning Commission review. It is permissible and encouraged to introduce large and potentially controversial projects to City staff as far in advance as possible.

The applicant shall provide City staff with information determined to be applicable to the project by the Administrative Official. The proposal shall then be brought before the Planning and Zoning Commission in order to receive a recommendation before being presented to the City Council. Action of the Planning and Zoning Commission and City Council shall be approval, approval subject to conditions, denial, or table for further review. A site plan may be presented for consideration by the City Council in the event of a recommendation of denial by the Planning and Zoning Commission. In the event of denial of a Site Plan by the City Council, the applicant would be required to resubmit and begin the review process anew to have another proposal considered by the Planning and Zoning Commission and City Council. Resubmittal will not be accepted until one (1) year after a denial from the Planning and Zoning Commission or City Council. Resubmittal of a Site Plan shall be subject to all applicable costs associated with a review of the documentation unless an exception is made by City staff. Site Plan review shall

exist as a measurement determined by the City to meet the objectives outlined by the Windsor Heights Comprehensive Plan.

The following information shall be clearly provided on the site plan:

1. Narrative Information to be provided:
 - A. Name and address of property owner; including telephone and email.
 - B. Name and address of applicant; provide if different than the property owner.
 - C. Name and address of plan preparer; including telephone and email.
 - D. Following City Council or administrative approval, the certification of the Architect and Civil Engineer licensed in the State of Iowa. Include seal, date, and signature on all applicable drawings prior to City Council approval of the Site Plan. Other certification may be requested when appropriate by the Administrative Official.
 - E. Certification of a Registered Land Surveyor licensed in the State of Iowa. Include seal, date, and signature on applicable drawings prior to City Council Approval.
 - F. Current Zoning of Property. List the property's existing zoning consistent with the City of Windsor Heights' Official Zoning Map. Include any overlay districts the property may be within and the land use identified in the current City of Windsor Heights Comprehensive Plan where the property is located.
 - G. Legal Description of Site. Include the plat name and lot number for all new Site Plans.
 - H. Total Area of Site. The total area of the site should be indicated in acres and square feet.
 - I. Open Space.
 - (1) Indicate the total area of the proposed site in square feet, the area of open space within the site, and its percentage of the total site. The calculation should include all open space pervious areas and permitted pedestrian plazas.
 - (2) The total area of the site reserved for parking facilities, the open space within the defined parking area, and its percentages of the total parking area should be calculated and indicated in square feet.
 - J. Pervious and Impervious Surface. Indicate the total area of the proposed site in square feet, the area of pervious surface, and the area of impervious surface including all structures.
 - K. Proposed Use of Site. Indicate all proposed uses for the site and building(s) as known at the time of application.
 - L. Parking Stalls. The total number of parking stalls required based on the proposed building use(s) of the site should be indicated. If more than one building use is proposed for the site, each individual parking stall requirement should be indicated separately of the total.
 - M. Loading Areas. If applicable to the proposed building uses of the site, the number of required and provided loading stalls should be indicated.
 - N. Setback Requirements. All setback requirements of the applicable zoning district within which the proposed site is located should be provided.
 - O. Special Flood Hazard Area. The 100-year flood elevation should be indicated based on the most recent FEMA FIRM Map.
2. Plan Information.
 - A. General and Survey Information.

- (1) North Arrow. Include on Site Plan and all other applicable sketches, drawings, and details.
 - (2) Scale of Drawing. A minimum scale of 1" = 30' shall be required.
 - (3) Vicinity Sketch. A minimum scale of 1" = 800' shall be used to indicate the properties within 300 feet of the proposed site location. The boundary of the proposed site location should be clearly defined in relation to other properties shown within the vicinity sketch.
 - (4) Site Boundary. All property lines shall be delineated with a heavy line.
 - (5) Bearing and Distances or Curve Data along Boundary. Information shall be indicated as platted. Any measured information different than platted should be identified.
 - (6) Name and address of all Adjoining Property Owners. All property lines adjacent to the proposed site, or across street right-of-way, shall be indicated with the owner and/or subdivision name(s) in addition to any adjoining lot numbers, as appropriate.
 - (7) Existing Features. All existing physical features shall be indicated on the Site Plan including but not limited to plant materials, drainage ways, structures, fences, and any encroachments. Projects involving numerous existing features may be requested to submit a demolition, removal, or relocation plan as determined to be most beneficial.
 - (8) Soil Tests and Similar Information. Soil tests and similar information may be required to determine the feasibility of the proposed development in relation to the design standards set forth herein.
 - (9) Topography. The existing and proposed topography shall be indicated with a maximum of two (2) foot intervals. Spot elevations may also be required at the request of the Administrative Official.
 - (10) Limits of Phased Construction. If the site is to be developed in more than one phase, the limits of each proposed construction/development phase shall be indicated, including all facets of the phasing proposed.
 - (11) Additional Information. Drawings or other materials necessary to describe a proposed project may be requested by the Planning and Zoning Commission or Administrative Official. The applicant may include additional information or materials such as sketches, videos, models, or photos if they help explain the proposal.
- B. Building Footprint.
- (1) Footprint. An accurate representation of the proposed building(s) footprint(s), including exterior structures incorporated into the building mass and proposed internal demising walls known at the time of application.
 - (2) Size. Include the total square footage of each proposed floor, the number of floors, and the amount of finished area on each floor including any proposed basement area. For all multi-family and townhome proposals, the total number of units proposed for each building footprint should be indicated.
 - (3) Entryways. The location of all proposed entries, service doors, and overhead doors.
 - (4) Mechanical Units. Indicate the proposed location and type of all proposed ground mechanical units including air conditioning units, telephone pedestals, transformers, coolers, or other similar units.
 - (5) Trash Enclosures. Indicate the proposed location of all trash enclosures for the site and provide a detail of the structure for review.

C. Building Façade

- (1) Façade Material. Indicate the proposed materials on each building.
- (2) Façade Coverage. The percentage of the façade that each material covers will be indicated on the site plan and conform to design standards within the respective zoning district.

D. Pedestrian Circulation.

(1) Paths. All proposed sidewalks, trails, and pathways should be indicated as appropriate on the Site Plan including the width, thickness, and type of pavement. All sidewalks, trails, and pathways shall be constructed to Windsor Heights Standard Specifications as applicable to the project. Wherever possible, bike racks should be provided.

(2) Connectivity. Pedestrian corridors should be indicated from any public street to all proposed principal buildings.

(3) Stoops. All proposed emergency exits where a sidewalk is not indicated shall provide a stoop of an approved dimension determined to be adequate in providing a safe exit from the building.

E. Streets and Access.

(1) Access. All existing and proposed access drives to the site from a public street shall be indicated on the Site Plan and shall include appropriate spacing as determined by the City's Engineer.

(2) Public Improvements. All public improvements required of the developer shall be indicated on the site plan. The number of improvements required shall be determined by the Windsor Heights Comprehensive Plan, streetscape plan, a traffic impact analysis, or any other approved documentation identifying the amount and type of improvements necessary to accommodate increased activity to the site or to facilitate future development as it relates to the development of said site.

(3) Private Streets. The use of private streets may be allowed if the proposed private streets meet the following criteria:

- a. Proposed private streets are built to Windsor Heights Standard Specifications for public streets.
- b. They are maintained by the property owners requiring the private street(s) through a Homeowners Association or through an approved development agreement between the developer(s) and the City.
- c. The width and thickness of the private street(s) are appropriate as determined by the City Engineer or a traffic impact study in accordance with the city specifications.
- d. Sidewalks should be installed on both sides of the private street(s) unless additional landscaping or open space is incorporated into the site in an amount approved by the City Council in relief of one sidewalk per street.
- e. A public ingress/egress easement is provided over the private street(s) location.

(4) Shared Access.

a. Any project where the development of townhomes provides access to garages from a public street shall provide a shared access drive between two or more units in order to minimize the amount of obstruction to the flow of traffic along said public street.

b. Any development of commercial property, where shared access is anticipated, shall provide an easement and conceptual building footprint(s) for all proposed lots which are proposed to share the access drive(s).

F. Parking and Loading Areas.

(1) All proposed parking and loading areas incorporated in the Site Plan shall meet the requirements in the Zoning Ordinance and all other applicable State and Federal regulations.

(2) A complete traffic circulation and parking plan should indicate the location and dimensions of all existing and proposed parking stalls, loading areas, entrance and exit drives, sidewalks, dividers, planters, and other similar permanent improvements in addition to traffic movements within access drives in order to better identify any potential traffic impediments based upon the proposed parking configuration and access drives.

(3) Individual parking stalls should be indicated as appropriate and differentiated from parking aisles. Stalls intended to accommodate handicapped accessibility should be indicated appropriately.

(4) Proposed loading areas and loading docks should indicate traffic movements where applicable to determine maneuverability within the site.

G. Lighting.

(1) A lighting plan should be provided with all site plans indicating the location, type, height, power rating, and any shielding methods required of all existing and/or proposed lighting fixtures. The lighting shall follow all applicable City ordinances including Dark-Sky standards. See Chapter 172.13 Lighting.

(2) A manufacturer's cut-sheet shall be provided for each type of lighting fixture incorporated into the site layout including its material(s) and color. Information required from the cut-sheet shall include the description of lamps, supports, reflectors, and any other components of a particular lighting fixture. The Site Plan shall indicate all proposed lighting as depicted by the manufacturer.

(3) A photometric plan shall also be required, identifying the horizontal illumination of the site and the vertical light trespass along the perimeter of the site. The photometric plan shall show a point-by-point foot-candle reading for the entire site at a minimum spacing of 10 feet between each point, including 2 feet past the property line. The vertical photometric plan shall only be required along the property line with a maximum spacing of 10 feet.

H. Lighting Standards.

(1) Definitions. Unless the context clearly indicates otherwise, the words and phrases used in this Ordinance shall have the following meaning:

a. Exterior lighting. Temporary or permanent lighting that is installed, located, or used in such a manner to cause light rays to shine outdoors.

b. Exterior lighting fixture. The complete exterior lighting unit, including the artificial source of light, the parts required to distribute the light, elements for light output control such as the reflector (mirror), or refractor (lens), the housing that protects and holds the light in place, the connection to the power supply, and the component that anchors the lighting unit to the ground or onto a structure.

c. Floodlight. A lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

d. Foot-candle. The illuminance measured one (1) foot from a one (1) candle source.

e. Full cut-off. A shielded light fixture that emits no light above a horizontal plane touching the lowest point of the fixture.

f. Glare. The light in a direction near one's line of sight that either causes discomfort to the eye or impairs visibility.

g. Horizontal and vertical foot-candles. The illuminance, measured by a light meter, striking a vertical or horizontal plane.

h. Illuminance. The intensity of light in a specified direction measured at a specified point.

i. Light. A form of radiant energy acting on the retina of the eye to make sight possible.

j. Light trespass. Unwanted light falling on public or private property from an external location.

k. Recreational Facility. Football fields, soccer fields, baseball fields, tennis courts, swimming pools, or any other special event or show area.

I. Lighting Design.

(1) Required Lamps – Generally, all lamps shall be halogen, metal halide, LED, or others with similar qualities to reduce glare and provide for improved color correct vision. Full cut-off high pressure sodium lamps, not exceeding a maximum lumen rating of 16,000 lumens, may be used in outdoor storage areas where the need for good color rendering capabilities for safety and security is not necessary. Such areas shall not be accessible to the general public or adjacent to R-1, R-2, & R-3 zoned property.

(2) Required Exterior Lighting Fixtures – All exterior lighting fixtures shall be full cut-offs. No portion of the lamp, lens, or diffuser shall be visible from the side or top of any shield, or otherwise protrude from the bottom of the shield. No exterior lighting fixture shall emit light at or above a horizontal plane that runs through the lowest point of the shield.

(3) Commercial and Industrial Architectural and Decorative Lighting.

a. Limited building-mounted lighting may be used to highlight specific architectural features or primary customer or building entrances. Floodlights are only permitted provided all light emitted is contained by the building or by an eave or protruding structure.

b. Lighting fixtures shall be located, aimed, and shielded to minimize the glare that is emitted on objects other than a building's façade or landscape walls.

c. Building-mounted neon lighting may only be used when the lighting is recessed or contained inside a cap or architectural reveal.

d. An exterior lighting fixture that emits less than 1800 lumens shall not be required to be a full cut-off fixture, provided that the lamp itself creates no glare or has an opaque covering.

(4) Site and Parking Lot Lighting.

a. The mounting height for lighting fixtures shall not exceed twenty-five feet (25') from grade to the top of the lighting fixture.

b. The maximum average-maintained foot-candles for a parking lot lighting fixture shall be three (3) foot-candles. The maximum lighting level for a parking lot lighting fixture shall be ten (10) foot-candles.

c. The maximum horizontal foot-candle measurement at any property line shall be two (2) foot-candles. The maximum maintained vertical foot-candle at an adjoining property line shall be two (2) foot-candles, as measured at five feet (5') above grade. If the adjacent property is the same owner, the light trespass limits may be waived by the City Council.

(5) Canopy Lighting. The maximum maintained foot-candles under a canopy shall be thirty-five (35) foot-candles. Areas outside the canopy shall be regulated by the guidelines and standards outlined above. Permissible fixtures for canopy lighting include:

a. Recessed fixtures that incorporate a lens cover that is either recessed or flush with the bottom surface of the canopy.

b. Indirect lighting where light is emitted upward and then reflected down from the underside of the canopy. Such fixtures shall be shielded to ensure that no light is emitted at or above a horizontal plane that runs through the lowest point of the canopy.

(6) Street Lighting. All private street light fixtures shall measure no more than thirty feet (30') from grade to the top of the lighting fixture and shall be cobra-style unless the Commission and Council permit the installation of an alternative fixture. The Commission and Council may approve an alternative lighting fixture only after a determination has been made that the alternative fixture has been designed to avoid glare and trespass. The use of lighting fixtures that direct light upward into the air is strictly prohibited. Public lighting along University Avenue shall conform to the specifications of lighting already in place. All other lighting on public streets shall conform to any adopted Streetscape Plans.

(7) Pedestrian Walkway Lighting. All pedestrian walkways shall be lit by pedestrian-level, bollard-type lighting (4 ft. height max.), ground mounted lighting, pole lighting (12 ft. height max.), or other low, glare-controlled fixtures that are mounted on building or landscape walls. University Avenue lighting should be followed as above.

(8) Recreational Facilities. The lighting fixtures at all public or private outdoor recreational facilities shall be designed to minimize the amount of light that is directed upward into the air, glare, and light trespass. The illumination of any public or private outdoor recreational facility after 11:00 p.m. is prohibited, except in order to conclude a specific activity, previously scheduled, which is in progress under such illumination prior to 11:00 p.m.

(9) Exemptions. This Ordinance shall not apply to the following exterior lighting sources:

a. Airport lighting required by law.

b. Temporary emergency lighting.

c. Temporary lighting, other than security lighting, at construction projects.

d. Governmental facilities where a compelling need for safety and security has been demonstrated.

e. Lighting for flag poles, church steeples, or other similar non-commercial items provided they do not cause distraction within public rights-of-way.

J. Signage.

(1) The location and type of all existing and proposed signage shall be indicated on the site plan.

(2) All signage shall meet the requirements identified within the Zoning Ordinance.

K. Landscaping.

(1) Common and scientific names for all proposed plant material.

(2) Quantity, height/caliper/gallon size (as applicable) of all proposed plant material.

(3) Location of all proposed plant materials.

(4) Number of ground cover plants per square foot to be planted, and/or pounds of seed per 1,000 square feet and species/characteristics of grass in all areas to be seeded.

(5) Location, size, and species of all existing plant material to remain. This includes a diagram and/or tree survey noting the location, size, and species of existing trees and shrubs.

(6) Location of retaining walls, fences, utility easements, existing and proposed structures, and parking areas.

(7) Plant installation details.

(8) Drainage areas.

(9) All proposed trees and plantings of any existing trees larger than six inches in diameter to be removed.

(10) All landscaping necessary for the fulfillment of all City Ordinances shall be indicated on the Site Plan and will conform to Chapter 173 of this Ordinance.

CHAPTER 171

TEMPORARY USES AND STRUCTURES

171.01 Purpose	171.06 General Regulations
171.02 Temporary Uses and Structures	171.07 Specific Requirements for Related Areas
171.03 Compliance with Chapter Provisions	171.09 Conditions of Approval
171.04 Permit Required	171.10 Fees
171.05 Prior Determination for Temporary Use Permit Approved	171.11 Violations and Penalties

171.01 PURPOSE.

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Chapter 168 of this Code of Ordinances.

171.02 TEMPORARY USES AND STRUCTURES.

These regulations are intended to prescribe the conditions under which limited duration activities (e.g., Christmas tree sales, pumpkin sales, landscape material sales, grand openings, special events, etc.) may be conducted. The intent is to allow for the temporary storage, display, and marketing of merchandise on a seasonal basis in an attractive manner to serve the desires of the general public but prevent the creation of any nuisance or annoyance to the occupants of adjacent buildings, premises or property, and the general public. It is also the intent to establish minimum standards for the operation of temporary uses in a manner that will provide for the health, safety, and welfare of the patrons, employees, the general public, etc. that may utilize or be affected by the establishment of the temporary use.

1. Exemptions.
 - a. Garage sales. The casual and occasional sales of used household goods by the owner thereof to the public, on a non-receiving basis, if the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature, so long as such sales are not conducted in excess of three consecutive days and no more than two times annually.

171.03 COMPLIANCE WITH CHAPTER PROVISIONS.

No temporary use or structure permit shall be issued except for when hereinafter provided.

171.04 PERMIT REQUIRED.

The following uses are eligible for a temporary permit, provided they meet the following criteria and obtain prior approval from the Zoning Administrator. No temporary use shall occur, and no temporary structures shall be erected, without first obtaining a permit from the Zoning Administrator. All permits are subject to approval by the Zoning Administrator. Further, the

Zoning Administrator may impose certain reasonable requirements as may be required to prevent any negative impact to surrounding properties. City sponsored events are exempt from these requirements.

1. Construction Office. If a building permit has been issued for the construction of a new building on the same property or if a contractor has another non-building related construction project, the applicant may also apply for a temporary use permit for the purpose of installing any temporary structures used as temporary office, shop, or storage on the property provided they directly relate to the new construction activity and the temporary structure is removed upon completion of the construction project. Specific uses under this category may include the following:
 - a. Real estate offices and model homes;
 - b. Any structure used for construction offices, workshops, and storage;
2. Any other construction-related uses not specified in this section which, in the opinion of the Zoning Administrator, are similar to the uses listed in this section.
 - a. Special Events. These uses are intended to serve special events such as grand openings, parking lot sales, group assembly activities, etc. These uses typically involve the use of a tent, outdoor shelter, or any other enclosure and temporary structure. Garage sales are exempt from these provisions, provided they do not occur any more frequently than one 3-day event per 180-day period. Garage sales occurring more frequently shall be considered a commercial retail sales business in a residential zone, which is prohibited. Specific uses under this category may include the following:
 - i. Parking lot sales, sidewalk sales (private sidewalks only), clearance sales, or other temporary uses which, in the opinion of the Zoning Administrator, are similar to the uses listed in this section. (For purposes of this section, the term “sidewalks” does not apply to outside areas adjacent to sidewalks that were specifically built for outside sales.)
 - ii. Grand openings and special events, and grand openings which are not sponsored by the City or Chamber.
 - iii. Group assembly activities not sponsored or endorsed by the City (e.g. carnivals, fairs, rodeos, sports events, concerts, and shows).
 - b. Temporary food and beverage uses must meet the requirements of Chapter 183. (Subsection D – Ord. 18-03 – Apr. 18 Supp.)
 - c. Any other event related uses not specified in this section which, in the opinion of the Zoning Administrator, are similar to the uses listed in this section.
3. Seasonal Related. These uses typically involve the erection or setup of a temporary structure in order to display seasonal goods and wares. This does not include the sale of fireworks. These permitted uses and any related structures expire upon the completion of the season or at another specified date. Specific uses under this category may include the following:
 - a. Retail sales of Christmas trees and pumpkins.
 - b. Retail sale of agricultural products and landscape nursery material, unless the establishment sells and is zoned for sales of similar materials.
 - c. Nurseries and greenhouses.

- d. Any other seasonal related uses not specified in this section which, in the opinion of the Zoning Administrator, are similar to the uses listed in this section.

171.05 TEMPORARY USE PERMIT APPROVAL.

The Zoning Administrator shall only approve an application for a temporary use permit if all of the following findings can be made:

1. The proposed temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means of odor, noise, dust, or other nuisance.
2. The additional parking required by the temporary use will be provided on site, if applicable, or adequate street parking is available in the immediate area.
3. Increased traffic caused by the temporary use will not adversely affect the surrounding neighborhood or City at large.
4. The proposed temporary use is consistent with the comprehensive plan, this Code of Ordinances, and all City and State regulations.

171.06 GENERAL REGULATIONS.

Each temporary use shall be described in a permit issued by the Zoning Administrator prior to commencement of the use. This permit shall be in addition to all other licenses, permits, or approvals otherwise required by any governmental entity. Each temporary use shall adhere to the following regulations.

1. Length. The temporary use shall be defined as either short-term or long-term.
 - a. "Temporary Use (Short-term)" means a short-term use is a use with a maximum duration of four consecutive days or less.
 - b. "Temporary Use (Long-term)" means a long-term use in duration of more than four consecutive days but less than six months.
2. Parking Spaces.
 - a. The number of additional parking spaces required, if any, and the location of such additional parking spaces, for the temporary activity shall be determined by the Zoning Administrator. The number of permanent parking spaces allowed to be used under the short-term temporary use permit shall be reviewed and determined by the Zoning Administrator.
 - b. The maximum number of permanent parking spaces allowed to be used for the operation of a long-term temporary use shall not exceed 20% of the parking on a site plan that was approved by the City to be counted toward the allowable size of the long-term temporary use or 20% of the site area, whichever is more restrictive.
3. Signs.
 - a. Non-illuminated detached signs.
 - A. Amount.
 1. A maximum of two detached signs.
 - B. Size.
 1. The total size area must be below 60 square feet.

2. Each sign may have a maximum size area of 30 square feet.
4. Cleanliness.
- All sites shall be completely cleaned of debris and temporary structures including (but not limited to) trash receptacles, signs, stands, poles, electric wiring, or any other fixtures and appurtenances or equipment connected therewith, within five days after the termination of the sale or special event.
 - A bond or cash deposit in the amount of five hundred dollars (\$500.00) shall be deposited with the City to assure adequate cleanup of activities that occur on vacant or undeveloped lots, and/or involving the construction or placement of temporary structures. The bond for long-term temporary food and beverage uses shall be in the amount of seven hundred fifty dollars (\$750.00). Activities located in fully developed shopping centers will be exempt from bonding, with the exception of uses that involve the construction or placement of a temporary structure, and any long-term temporary food and beverage facilities shall be required to post a bond or cash deposit. The Zoning Administrator may waive this requirement for normal and customary uses incidental complementary to the principal use.
5. Sanitary facilities.
- Sanitary facilities, either portable or permanent, shall be made available to all employees, attendants, and participants of the activity during its operational hours, as approved by the Zoning Administrator in concurrence with the City Engineer and County Health Department unless stipulated otherwise in this chapter. If the restroom facilities are located within an adjacent building, the written authorization of the owner of the adjacent building shall be required specifically stating that the restroom facilities will be made available to the employees, attendants, and participants at all times during the hours of operation of the temporary use activity.
6. General Regulations.
- No area of public right-of-way may be used without obtaining approval from the Zoning Administrator, who will confer with the Chief of Police, Fire Chief, Public Works Director, and the City Administrator.
 - Proof of ownership or a signed letter, either from the property owner or an authorized representative for the property on which the activity is to take place, shall be presented at the time the temporary permit is requested.
 - All temporary structures including, but not limited to, greenhouses, trailers, mobile homes, signs, etc., shall conform to the zoning setback requirements unless stated otherwise in this chapter. Temporary structures are also subject to permit requirements as set forth in Chapter 152 of this Code of Ordinances.
7. Application Requirements. Applications for the temporary use shall be accompanied by the prescribed number of copies of a project plan and such other detailed elevations, plans, and other information as may be required to adequately evaluate the proposed use. A plan of the layout of the proposed use shall be submitted to the City with the application on a base plan prepared in accordance with the site plan requirements of the City. The proposed layout of the garden center area may be drawn onto a copy of a

previously approved site plan for the temporary use permit submittal. The layout plan shall identify the following:

- a. Area. The area on the site proposed to be utilized as part of the temporary use and associated sales areas.
 - A. Delineate how different areas will be used.
- b. Traffic.
 - A. Proposed modifications to the traffic patterns and methods proposed to notify patrons and identify the temporary traffic pattern changes, i.e., signage, traffic cones, fencing and barriers, etc.
 - B. Proposed vehicle loading zone.
 - C. Proposed temporary barriers or corrals with an architectural elevation, photo, or sketch of the barriers' proposed construction.
- c. Location of Facilities.
 - A. Electrical connection
 - 1. Overhead power connection with a minimum clearance above a grade of 14 feet;
 - 2. Installation of an underground conduit; or
 - 3. Other method acceptable to the City. The use of an overhead connection shall only be allowed in those areas where overhead electrical service currently exists in the area. Use of extension cords, cables, or wires, whether lying on the ground or otherwise connected to a power source, is expressly prohibited for long-term garden center uses. An electrical permit shall be obtained prior to any electrical installation or connection.
 - B. Water connection
 - C. The applicant shall provide, as determined by the Zoning Administrator, adequate facilities for the disposal of trash, waste, pallets, and display racks.
 - D. Restroom facilities shall be provided at all times during the temporary use activity.
- d. Indemnification and Proof of Insurance.
 - A. The owner or operator of any long term temporary use shall provide evidence of comprehensive general liability coverage and contractual liability insurance by an insurance company licensed to do business in the State of Iowa in the limits of at least \$1,000,000.00 for each personal injury accident and/or death; \$1,000,000.00 for each aggregate personal injury and/or death; and \$1,000,000.00 for each property damage accident. The evidence shall name the City as a coinsured and shall state that it cannot be canceled or materially altered without giving the City at least 30 days written notice by registered mail, return receipt requested. The owner or operator of a temporary garden center or the property owner shall execute an agreement, acceptable to the City, which indemnifies and holds harmless the City from any and all liability, damages, claims, costs, expenses, interest, and reasonable

attorney fees relating to the temporary use and associated facilities on the property.

- e. Removal. At the expiration of the temporary use permit, any structures, barricades, shelving, pallets, leftover merchandise, or other facilities associated with the temporary use shall be removed from the site.
- f. Safety Standards. In order to promote the safety of the patrons of these facilities, the following shall be required:
 - A. Bulk material shall be neatly and safely stacked.
 - B. All sales areas shall be separated from vehicular uses by the placement of a fence or barrier acceptable to the Zoning Administrator to prevent pedestrian and vehicular conflicts. If a barrier is of an open nature where patrons can reach through and obtain access to the merchandise, a four foot walkway shall be located adjacent to the barrier to prevent patrons from standing outside the barrier in traffic ways to shop.
 - C. The door openings for any greenhouses, shade structures, or similar enclosures shall have a minimum ten-foot setback from drive aisles where an opening in the barrier is provided aligned with the door of the structure.
- 8. Where openings in the barriers occur for pedestrian access, sight visibility shall be maintained so that vehicles can clearly see pedestrians approaching the opening from a distance of no less than 50 feet.
- 9. Temporary drive aisles shall be maintained at a minimum 24-foot width for two-way traffic and shall be delineated by the placement of traffic barriers, fencing, or some other physical marker that clearly informs drivers of the end of the parking area and the start of the drive aisle. A clear line of sight shall be maintained at the entrance and exit of the temporary drive aisles.
- 10. Vehicle loading areas shall be located in an area that minimizes pedestrian and vehicle conflict and provides for the safe loading of merchandise and vehicle access to and from the traffic lanes to the loading area, preferably without backing movements.

171.07 SPECIFIC REQUIREMENTS FOR RELATED AREAS.

- 1. Construction Office
 - a. Construction Offices and Related Structures.
 - A. Zoning.
 - 1. The use and structure are allowed in any zoning district. All requirements such as, but not limited to, setbacks, landscaping, parking, etc. are required to be complied with.
 - B. Maximum Duration.
 - 1. 24 months.
 - C. Amount.
 - 1. Limited to one per property and located entirely within the property boundaries.
- 2. Special Event.
 - a. Zoning.

- A. The use is allowed in any zoning district.
 - B. Events occurring in an R-1, R-2, or R-3 District shall occur between 7:00 a.m. to 10:00 p.m. except with the approval of the Chief of Police; all other zones as determined by the Zoning Administrator.
 - b. Maximum Duration.
 - A. Four consecutive days, not to exceed four events in a 12-month period.
- 3. Seasonal Related.
 - a. Retail Sales of Christmas Trees and Pumpkins.
 - A. Zoning.
 - 1. The use is allowed in any zoning district.
 - B. Maximum Duration.
 - 1. Forty (40) calendar days prior to December 25 for Christmas tree sales; October 1 through November 1 for pumpkin sales.
 - b. Agricultural Produce Stands.
 - A. Zoning.
 - 1. The use is allowed in any zoning district.
 - B. Termination.
 - 1. Stands and displays shall be removed when not used for a period of 30 consecutive days.
 - c. Retail Sales of Landscape Nursery Materials.
 - A. Zoning.
 - 1. The use is allowed in the CC, UC, and LI Zoning Districts.
 - B. Termination.
 - 1. Stands and displays shall be removed when not used for a period of 30 consecutive days.
- 4. Other structures or uses determined to be consistent with the intent of this subsection, with the approval of the Zoning Administrator.

171.08 CONDITIONS OF APPROVAL.

The Zoning Administrator may impose such conditions on a temporary use permit as is necessary to meet the purposes of this section and protect the public health, safety, and welfare and adjacent uses.

171.09 FEES.

The application fee for a temporary use permit shall be in the amount as established from time to time by resolution of the Council, payable each year of operation.

171.10 VIOLATIONS AND PENALTIES.

The operation of a temporary use is a privilege allowed by this section. Failure to maintain a temporary use in compliance with the conditions of approval and the regulations of this section shall constitute a nuisance and may be punished as set forth in Chapter 50 of this Code of Ordinances. A written notice of a violation of the temporary use permit shall be sent to the operator of the temporary use and the property owner, if different than the operator, and the

operator shall have a maximum of five (5) days, as determined by the Zoning Administrator, to bring the site into compliance. If the operator fails to correct the violation in the prescribed time, the City may revoke the temporary use permit and issue a cease and desist order for the temporary use. There shall also be a one-year moratorium from that date on the issuance of any other temporary use permits on the property and a one-year probationary period for the second year following the violation. During the probationary period, if the operator of a temporary use fails to maintain the premises and the use in conformance with the conditions of approval and this Code, after the notification procedures noted above, the City may revoke the temporary use permit and no other temporary use permits shall be issued on the property for a period of two (2) years.

DRAFT

CHAPTER 172
ZONING CODE –
SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

172.01 Purpose	172.07 Accessory Structure
172.02 Mobile Home Parks	172.08 Outdoor Storage
172.03 Commercial Uses	172.9 Setback Adjustments
172.04 Performance Standards for Industrial Uses	172.10 Height Exceptions
172.05 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts	172.11 Small Wind Innovation Zone Ordinance
Table 172.05-1 Maximum Permitted Sound Levels at Residential Boundaries	172.12 Fence Regulations
172.06 Accessory Uses	172.13 Outdoor Lighting
	<u>172.14 Building Façade</u>
	<u>172.15 Parkland Dedication</u>

172.01 PURPOSE.

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this Zoning Code and provide for specific areas of exception.

172.02 MOBILE HOME PARKS.

Mobile Home Parks in the MH District. Mobile home parks are permitted in the MH District as conditional uses, subject to approval by the Board of Adjustment. Following the effective date of this Zoning Code, no mobile home shall be located outside of a mobile home park. A mobile home park is subject to the approval of a special use permit and compliance with the following regulations:

1. Certification. A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection, and any other applicable requirements shall be required of all mobile home parks.
2. Minimum and Maximum Area. A mobile home park shall be considered to be one zoned lot. The minimum contiguous area of a mobile home park shall be 100,000 square feet.
3. Density Requirements.
 - a. The maximum gross density of a mobile home park shall be 10 units per acre.
 - b. The minimum size of an individual mobile home space shall be 3,500 square feet for singlewide mobile home units and 5,000 square feet for doublewide mobile home units.
 - c. Each mobile home space shall have a width of at least 40 feet wide and a length of at least 75 feet.
4. Site Development Standards.
 - a. Setbacks. Each mobile home park shall have a minimum perimeter setback of 35 feet from adjacent nonresidential uses and 50 feet from adjacent residential

uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.

- b. **Setback Landscaping.** All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Chapter 173 of this Zoning Code. Screening shall be provided in conformance with Chapter 173 for any common property line with another nonresidential use.
- c. **Impervious Coverage.** Impervious coverage for a mobile home park shall not exceed 50% of the total site area.
- d. **Open Space.** Each mobile home park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
- e. **Separation Between Mobile Home Units.** The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.
- f. **Separation and Setbacks for Accessory Buildings.** An accessory building on a mobile home space shall maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

5. **Street Access and Circulation Requirements.**

- a. **Access to Public Street.** Each mobile home park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
- b. **Vehicular Circulation.** The mobile home park must provide interior vehicular circulation on a private internal street system. The minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length.
- c. **Separation between Units and Circulation Areas.** The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.
- d. **Sidewalks.** Each mobile home park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. Sidewalk width shall be at least five feet.
- e. **Street and Sidewalk Standards.** All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
- f. **Parking Requirements.** Each mobile home park must provide at least one off-street parking stall for each mobile home space.

6. **Tornado Shelters.** Underground or other approved tornado shelters shall be provided in the mobile home park. Such shelter or shelters shall be built according to the recommendations of the Civil Defense Authority and be large enough to meet the specific needs of the park and its residents.

7. Utilities.
 - a. All mobile home parks shall provide individual units and common facilities with an adequate, piped supply of hot and cold water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.
 - b. Complete sanitary and sewer service shall be provided within each mobile home park in accordance with this Code of Ordinances.
 - c. Properly spaced and operating fire hydrants shall be provided for proper fire protection within each mobile home park in accordance with this Code of Ordinances.
 - d. All electric, telephone, gas, and other utility lines shall be installed underground.
8. Financial Responsibility. Each application for a mobile home park shall include a demonstration by the developer of financial capability to complete the project, and a construction schedule.
 - a. Completion Schedule. Construction must begin on any approved mobile home park within one year of the date of approval by the Planning and Zoning Commission. Such construction shall be completed within two years of approval unless otherwise extended by the Planning Commission.

172.03 COMMERCIAL USES.

1. Auto Service, Repair, Equipment Repair, Body Repair, Convenience Stores, and Gas Stations.
 - a. Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Chapter 173 of this Zoning Code.
 - b. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.
 - c. All gasoline pumps shall be set back at least 15 feet from any right-of-way line.
2. Automobile and Equipment Rental and Sales.
 - a. All outdoor display areas for rental and sales facilities shall be hard-surfaced.
 - b. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.
3. Convenience Storage. When permitted in the CC and LI Districts, convenience storage facilities shall be subject to the following additional requirements:
 - a. The minimum size of a convenience storage facility shall be two acres.
 - b. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
 - c. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.

- d. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
- e. No storage buildings may open into required front yards.
- f. Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines unless greater setbacks are required by Chapter 173.

172.04 PERFORMANCE STANDARDS FOR INDUSTRIAL USES.

The following performance standards apply to all industrial uses permitted within an LI Limited Industrial zoning district:

1. **Physical Appearance.** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.
2. **Fire Hazard.** No operation shall involve the use of highly flammable gases, acids, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Polk County and the City of Windsor Heights.
3. **Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts.** No operation in the LI District shall generate sound levels in excess of those specified in Table 172.06-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. **Sewage and Wastes.** No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. **Air Contaminants.** No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.
6. **Odor.** The emission of odors determined by the Planning and Zoning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.
7. **Gases.** No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide, or carbon monoxide shall not exceed 5 parts per million taken at the property line of the operation.
8. **Vibration.** All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation which exceeds a displacement of 0.003 inch.
9. **Glare and Heat.** All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.
10. **Storage of Chemical Products.** If allowed by special use permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not

exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any Residential, Office, or Commercial zoning district.

172.05 MAXIMUM PERMITTED SOUND LEVELS ADJACENT TO RESIDENTIAL ZONING DISTRICTS.

Table 171.06-1 displays the maximum permitted sound levels that may be generated by uses in the CC, UC, or LI zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting American National Standards Institute (ANSI) specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 172.05-1 – Maximum Permitted Sound Levels At Residential Boundaries

Originating Zoning District	Time	Maximum One Hour LEQ* (dBa)
CC, UC	7:00 a.m. – 10:00 p.m.	60
	10:00 p.m. – 7:00 a.m.	50
LI	7:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 7:00 a.m.	50
*LEQ (or equivalent continuous sound level) is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.		

172.06 ACCESSORY USES.

1. Home-Based Businesses; Home Occupations. Each home-based business shall register with the City, on a form established by the Zoning Administrator. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

- a. External Effects.
 - A. There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
 - B. No noise, odors, bright lights, electronic interference, storage, or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.

- C. A home occupation that is run within a detached accessory building shall be approved by the Board of Adjustment in accordance with these zoning regulations. All “external effects” criteria in subparagraphs (1), (2), (4), (5), and (6) of this paragraph A are applicable for the detached accessory building. Signage is not allowed upon the detached accessory building.
- D. Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
- E. No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
- F. No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
- b. Employees. The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit.
- c. Extent of Use. For all residential zoning districts, a maximum of 30% of the floor area of the dwelling may be devoted or used for a home based business/home occupation, inclusive of any attached garage or detached accessory buildings used for the home occupation.
- d. Signage. Signage designating the home occupation shall be consistent with regulations for zoning districts set forth in Chapter 175 of this Zoning Code.
- e. Traffic Generation.
 - a. Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.
- f. Nuisance. No home occupation shall be noxious, offensive, or hazardous due to vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions that would cause an adverse impact on the neighborhood, as determined by the zoning administrator.

172.07 ACCESSORY STRUCTURE.

- 1. Accessory structures are enclosed, covered, or walled structures that are customarily incidental and subordinate to the principal use or structure. The accessory buildings and structures include free standing garages, trash enclosures, sheds, play structures, underground shelters, and above-ground and in-ground pools and hot tubs.
- 2. Standards.
 - a. Construction. No accessory structure shall be constructed upon a lot until the construction of the principal building has been commenced, and no accessory structure shall be used if the principal building has not completed construction within a 2 year period.
 - b. Setback. Structures shall maintain a minimum distance of five feet from any lot lines, alley lines, and adjoining lots.

- A. Must have a greater front yard setback than the primary structure.
- c. Height. All structures shall have a maximum height of 25 feet.
- d. Zoning. Must comply with all underlying standards set forth in Chapter 168.
- e. Exempt Structures.
 - A. Unwalled structures under 120 square feet in size and under 15 feet in height.
 - 1. This does not include carports or concrete slabs.

172.08 OUTDOOR STORAGE.

Outdoor storage is prohibited in all zoning districts except the LI Limited Industrial zoning district, except as provided in this section.

- 1. Outdoor storage is permitted where incidental to auto services, equipment repair, and body repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Chapter 173 Landscaping and Screening Standards. This provision shall apply to any auto services, equipment repair, or body repair use established after the effective date of this Zoning Code.

172.09 SETBACK ADJUSTMENTS.

- 1. Allowable Encroachments Into Setback
 - a. Architectural projections, including roofs which cover porches, enclosed porches, windowsills, belt courses, cornices, eaves, flues, and chimneys, and ornamental features may project three feet into a required yard.
 - b. Terraces, patios, and attached features must be set back at least five feet from an adjacent side lot line, ten feet from the rear lot line, or 20 feet from any street property.
 - c. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 4.5 feet into a required rear or interior side yard, provided that they do not obstruct the light and ventilation of adjacent buildings.
 - d. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than 15% of the area of the required front yard, and has a vertical clearance of at least 8 feet, 6 inches.
- 2. Setback Adjustments.
 - a. Setbacks on Built-Up Blockfaces. These provisions apply if 40% or more of the buildings on that blockface have front yard setbacks different from those required for the specific district.
 - A. If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.
 - B. If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.

- C. If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.
 - D. No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.
 - b. Corner Lots. Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.
- 3. Rear Yard Exceptions – Residential Uses. When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than 60% of the rear yard required by the zoning district.
- 4. Double Frontage Lots. Residentially zoned double frontage lots on a major street, and with no access to that street, may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.
- 5. Satellite Antennas.
 - a. Antennas with a surface area over 6.3 square feet which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.
 - b. Such antennas shall be located no less than 15 feet from the property line of an adjacent property within a residential zoning district.
- 6. Vision Clearance Triangle. No structure, including a fence, shall be built to a height of more than three feet above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines 30 feet from their point of intersection. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection. However, in no case shall there be any interference with the required sight distance as determined by the Department of Engineering.

172.10 HEIGHT EXCEPTIONS.

These provisions allow exceptions to the height limit of any zoning district in certain situations.

- 1. Vertical Projections. Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25% of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances. Such structures shall not extend into the approach zones, clear zones, or other restricted air space required for the protection of any public airport.
- 2. Amateur Radio Towers and FCC Pronouncements.
 - a. Radio towers, antennas, and other appurtenances operated by licensed amateur radio operators, where and when permitted, may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service

communications and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.

- b. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Council may grant a special use permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the Council shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985), codified at C.F.R. Section 97.15(e).
 - c. Such radio towers shall not be located within any front yard of the primary use.
3. Broadcast Towers. Broadcast towers, when operated by a federally licensed commercial or nonprofit organization, may be built to any height in accordance with existing and future ordinances, subject to the approval of a conditional use permit. This exception does not apply to radio towers, antennas, and other appurtenances operated by licensed amateur radio operators.
3. Small Wind Energy Systems. Small wind energy systems as outlined in 172.11.

172.11 SMALL WIND INNOVATION ZONE ORDINANCE

The purpose of this regulation is to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of utility-supplied electricity.

1. Findings. The City of Windsor Heights finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of nonrenewable energy sources. Distributed small wind energy systems will help diversify the state's energy portfolio. Small wind energy systems also make the electricity supply market more competitive by promoting customer choice. The State of Iowa has enacted a number of laws and programs to encourage the use of small-scale renewable energy systems, including net metering, sales tax exemptions, property tax exemptions, production tax credits, and the Small Wind Innovation Zone program.
2. Permitted Use. Small wind energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. The City of Windsor Heights may require the installer of the small wind energy system, or the owner of the property upon which the system will be installed, to obtain a building permit for the system, if required by City of Windsor Heights code.
 - a. Tower height and setback. The base of the small wind energy system tower shall be set back from all property lines, public right of ways, and above ground public utility lines at a distance no less than 115% of the total extended height of the tower. Towers shall be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission, provided that the tower installation complies with the other applicable setbacks herein provided. As long as the total extended height meets the setback requirements in this section, there shall be no specific height limitation, except as imposed by Federal Aviation Administration

regulations as stated in section 4.3.

b. Requirement for engineered drawings/approval and soil studies.

A small wind energy system of greater than 20 kW, or a small wind energy system mounted on a structure other than a free-standing tower, shall not be erected in the City of Windsor Heights unless the plans and specifications for the system have received the stamped approval of an Iowa registered engineer. In lieu of obtaining the stamped approval of an Iowa registered engineer for each small wind energy system of 20 kW or less mounted on a free-standing tower, a manufacturer may submit its standard plans and specifications for a 20 kW system on a free-standing tower, including its soils study and foundation plans for such system, for a one-time review and stamped approval by an Iowa registered engineer as suitable for construction in any soil condition that exists in the State of Iowa. If such one-time stamped approval is obtained, that manufacturer may thereafter construct such small wind energy systems of 20 kW or less in the City of Windsor Heights, utilizing the approved soils study and foundation plans for the 20 kW small wind energy system, without obtaining and presenting the stamped approval of an Iowa registered engineer for each such installation.

c. Compliance with Federal Aviation Administration Regulations (FAA). No small wind

energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

d. Safety. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall

be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.

e. Sound. Sound produced by the small wind energy system under normal operating conditions, as measured at the property line, shall: a) not produce sound at a level that would constitute a nuisance; and b) comply with any local ordinance regulating the volume of sound as a nuisance, if applicable. Sound levels, however, may be exceeded during short-term events out of anyone's control, such as utility outages and/or severe wind storms.

f. Compliance with National Electric Code. Building permit applications for small wind

energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the design and manner of installation conforms to the state National Electric Code.

g. Utility Notification. No small wind energy system shall be installed until evidence has been given that the utility company has authorized interconnection of the small wind energy system to its electric distribution or transmission, under an agreement approved by and subject to regulation adopted by the Iowa Utilities Board. Properties not

connected the public utility system shall be exempt from this requirement.

- h. Insurance. A person seeking a building permit to erect a small wind energy system

shall provide evidence, in the form of a certificate of insurance satisfactory to the City of Windsor Heights showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.

- i. Abandonment. If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore the small wind energy system to operating condition. If the owner fails to restore the system to operating condition within the six-month time frame, it shall be considered abandoned and the owner shall be required, at the owner's expense, to remove the small wind energy system. A small wind energy system that has been abandoned may be abated as a public nuisance.

- j. Signage. No signs, other than appropriate warning signs or standard manufacturer's or installer's identification signage, shall be displayed on a wind generator, tower, building, or other structure associated with a small wind energy system, subject to local sign regulation if any.

- k. Lighting. No illumination of the turbine or tower shall be allowed unless required by the FAA or unless allowed by applicable City of Windsor Heights ordinance.

172.12 FENCE REGULATIONS.

1. General Requirements

- a. Location Restriction. No fence shall be built on any lot or tract outside of the property owner's surveyed lot lines. If a fence is erected along the property lines the owner installing the fence must ensure there is a permanent means for maintaining both sides of the fence subject to state and local ordinances.

- A. No landscape retaining wall shall be installed within two feet of the lot line of another property that is in excess of 24" without first conducting a consultation meeting with the City's stormwater coordinator and the adjoining property owner.

- b. Vision Clearance Triangle. No fence permitted or required by this Zoning Code or other sections of this Code of Ordinances shall be built within the vision clearance triangle, formed by the adjacent curb lines of two intersecting streets and a line connecting points 30' on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.
- c. Facing. The finished surfaces or decorative side of any fence shall face toward adjacent properties and street frontage. If no finished side can be determined, the support side shall face the interior.
- d. Prohibited Materials. A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, electric, razor wire, nails, electrical charge, or other similar materials shall be prohibited.

- e. Sidewalk. Fences may not be constructed within two feet of a public sidewalk.
 - f. Easements. No fence may be allowed to be constructed, built, or located over a public easement unless otherwise noted in this ordinance or approved by the zoning administrator.
 - g. Overland flowage easements.
 - A. Fences may encroach into an overland flowage easement providing measures are taken to make certain that the fence does not restrict the water flow, cause siltation buildup, etc.
 - B. Permitted fence material includes chain link, wrought iron fencing, picket style fencing that is at least 30% open, or other fencing styles that are at least 30% open.
 - C. Solid fencing shall be elevated a minimum of 6" through the swale part of the easement to allow water flowage.
 - h. Miscellaneous. Fences which enclose public or institutional parks, playgrounds, or schoolyards in residential areas shall be of open type not exceeding 6' in height except as required for recreational purposes such as baseball backstop when a limited section(s) of open fence up to 10' in height is allowed, where necessary to provide for such backstop or similar purposes.
2. Temporary Construction and Maintenance Fences. Unless otherwise approved by the City or zoning administrator, any temporary fences shall be removed if construction ceases for a period of six months or upon the issuance of an occupancy permit, including temporary occupancy.
 - a. Height. The maximum height of a fence for any construction shall be 8' feet.
 3. Residential Fences. Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions:
 - a. Height. The maximum height of a fence within a front yard or street side yard setback shall be 4'. The maximum height for any fence outside of a required front yard shall be 6' and is measured from the property grade.
 - A. Exception for Street Side Yards. On corner lots, a fence built parallel to the street side yard line but ~~set back~~ in complete conformance with ~~the street yard setback~~ all other regulations of this code based upon sight clearance and set back from the sidewalk for ADA compliance may have a maximum height of six feet.
 - b. Materials. Fences shall be constructed of wood, PVC/ resin, stone, wrought iron, masonry, or chain link materials only. Wood fences shall utilize standard building lumber only.
 - c. Location restrictions. Fences may not be constructed on lots unless a primary building is in place.
 4. Nonresidential fences.
 - a. Height. The maximum height of a fence for any permitted use in a nonresidential district shall be 8'.

(Ord. 15-06 – Nov. 15 Supp.)

172.13-13 OUTDOOR LIGHTING

1. General Requirements
 - a. Location Restriction.
2. Applicability. Except as described below, all outdoor lighting installed after the date of effect of this Ordinance shall comply with these requirements. This includes, but is not limited to, new lighting, replacement lighting, or any other lighting whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.
 - a. Exceptions.
 - A. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.
 - B. Lighting for public monuments and statues.
 - C. Underwater lighting for pools or water features.
 - D. Low voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at a time established by the Zoning Administrator.
 - E. Lighting solely for signs. See Chapter 175 Sign Regulations
 - F. Repairs to existing luminaires not exceeding 50% of total installed luminaires.
 - G. Temporary lighting.
 - H. Lighting for emergency conditions.
 - I. Lighting specified or identified in a conditional use permit.
 - J. Lighting required by federal or state law.
3. Lighting Control Requirement
 - a. Automatic Switching Requirements
 - A. Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.
 - b. Automatic Lighting Reduction Requirements
 - A. Outdoor lights shall be set to be reduced by at least 30% or extinguished by 12:00 am.
 1. Exceptions. Lighting reductions are not required for any of the following:
 - a. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas.
 - b. When the outdoor lighting consists of one luminaire.

- c. Code required lighting for steps, stairs, walkways, and building entrances.
 - d. When in the opinion of the Authority, lighting levels must be maintained.
 - e. Motion activated lighting.
 - f. Lighting governed by special use permit in which times of operation are specifically identified.
 - g. Businesses that operate on a 24 hour basis.
4. Residential properties
- a. For residential properties including multiple residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table 172.14-03.
 - b. Low voltage landscaping lighting shall be aimed away from adjacent properties.
 - c. Shielding directional flood lighting aimed so that direct glare is not visible from adjacent properties.
 - d. Exceptions.
 - A. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
 - B. Open flame gas lamps.

Table 172.13-01 Purposes of Lighting Zones

Zone	Overview
LZ-0: Limited lighting	Areas where lighting might adversely affect flora and fauna or disturb the character of the area. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous.
LZ-1: Low ambient lighting	Areas of human activity where the vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience, but it is not necessarily uniform or continuous.
LZ-2: Moderate ambient lighting	Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous.
LZ-3: Moderately high ambient lighting	Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security, and/or convenience and it is often uniform and/or continuous.
LZ-4: High ambient lighting	Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous.

Table 172.13-02 Lighting Zones for Districts

Zoning District	Lighting Zone
R-1, R-2	LZ-1
R-3, MH, LI	LZ-2
CC, UC	LZ-3

Table 172.13-03 Maximum Allowed Luminaire Lumens

Lighting Application by Maximum Allowed Luminaire Lumens	LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Unshielded luminaires at one entry	N/A	420 lumens	630 lumens	630 lumens	630 lumens
Fully shielded luminaire lumens	N/A	630 lumens	1,260 lumens	1,260 lumens	1,260 lumens
Unshielded luminaire excluding main entry	N/A	315 lumens	315 lumens	315 lumens	315 lumens
Landscape lighting	N/A	630 lumens	1,050 lumens	2,100 lumens	2,100 lumens
Shielded directional flood lighting	N/A	630 lumens	1,260 lumens	2,100 lumens	2,100 lumens
Low voltage landscape lighting	N/A	N/A	525 lumens	525 lumens	525 lumens

5. Non-residential properties. Non-residential may follow either the Prescriptive Method or the Performance Method listed below

a. Prescriptive Method

A. Total Site Lumen Limit

1. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using either the Parking Space Method 174.14-04 or the Hardscape Area Method 174.14-05. Only one method shall be used per permit application, and for sites with

existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.

B. Limits to Off Site Impacts

1. All luminaires shall be rated and installed according to Table 174.14-06.
 - a. Less than 2 mounting heights shall be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

C. Light Shielding for Parking Lot Illumination

1. All parking lot lighting shall have no light emitted above 90 degrees.

Table 172.13-04 Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting, Per Parking Space Method

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
350 lms/space	490 lms/space	630 lms/space	840 lms/space	1,050 lms/space

Table 172.13-05 Allowed Total Initial Luminaire Lumens per Site for Non-residential Outdoor Lighting, Hardscape Area Method

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
0.5 lumens per SF of Hardscape	1.25 lumens per SF of Hardscape	2.5 lumens per SF of Hardscape	5.0 lumens per SF of Hardscape	7.5 lumens per SF of Hardscape

Table 172.13-06 Maximum Allowable Backlight, Uplight, and Glare (BUG) Rating

	LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Allowable Backlight Rating					
Greater than 2 mounting heights from property line	B1	B3	B4	B5	B5
1 to less than 2 mounting heights from property line	B1	B2	B3	B4	B4
0.5 to 1 mounting heights from property line	B0	B1	B2	B3	B3
Less than 0.5 mounting height to property line	B0	B0	B0	B1	B2
Allowable Uplight Rating	U0	U1	U2	U3	U4
Allowed % light emission above 90° for street or Area lighting	0%	0%	0%	0%	0%
Allowable Glare Rating	G0	G1	G2	G3	G4
Any luminaire not properly oriented with 1 to less than 2 mounting heights to any property line of concern	G0	G0	G1	G1	G2
Any luminaire not properly oriented with 0.5 to less than 1 mounting heights to any property line of concern	G0	G0	G0	G1	G1

Any luminaire not properly oriented with less than 0.5 mounting heights to any property line of concern	G0	G0	G0	G0	G1
---	----	----	----	----	----

b. Performance Method

A. Total Site Lumen Limit

1. The total installed initial luminaire lumens of all lighting systems on the site shall not exceed the allowed total initial site lumens. The allowed total initial site lumens shall be determined using Table 172.13-07. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens of all is calculated as the sum of the initial luminaire lumens for all luminaires.

B. Limits to Off Site Impacts

1. All luminaires shall be rated and installed according to 172.13-06 OR
2. The entire outdoor lighting design shall be analyzed using industry standard lighting software including inter-reflections in the following manner:
 - a. Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.
 - b. Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site. The top of the enclosure shall be no less than 33 feet (10 meters) above the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (footcandles and/or lux) on the sides of the enclosure.
 - c. The design complies if
 - i. The total lumens on the inside surfaces of the virtual enclosure are less than 15% of the total site lumen limit; and
 - ii. The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per 172.13-08.

Table 172.13-07 Allowed Total Initial Site Lumens

Lighting Zone	LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
Allowed Lumens Per SF	0.5	1.25	2.5	5.0	7.5
Allowed Base Lumens Per Site	0	3,500	7,000	14,000	21,000

Table 172.13-08 Allowed Total Initial Site Lumens

LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
0.05 FC or 0.5 LUX	0.1 FC or 1.0 LUX	0.3 FC or 3.0 LUX	0.8 FC or 8.0 LUX	1.5 FC or 15.0 LUX

~~172.14~~ 172.14 BUILDING FAÇADE

Formatted: No bullets or numbering

1. Applicability. Except as described below, all façade requirements and materials are to be subject to their respective zoning requirements ~~and complement currently existing buildings and structures within the district as listed by the zoning district design regulations.~~
2. Façade Material. All building façade materials that face the primary street will ~~complement the surrounding buildings and parcels around the proposed building. These materials will be deemed appropriate by the City's Zoning Administrator, need to be included within the defined groups of façade materials allowed to be used within each zoning district. The Façade Material groups are the following within this definitive list:~~
 - a. Grade A Materials
 - A. Brick
 - B. Natural Stone
 - C. Glass
 - D. Stucco
 - E. Architectural Grade Precast Panels
 - b. Grade B Materials
 - A. Wood
 - B. Metal Wall Panel Systems
 - C. Textured Concrete Panels
 - D. Fiber Cement Panels and Lap Siding
 - c. Grade C Materials
 - A. Vinyl Siding
 - B. Corrugated Metal Wall Panels
 - C. Concrete Block
 - D. Smooth Tip-up Panels
 - d. Not Listed Here
 - A. Any material that is being proposed to be used as a material for a proposed development must supply the City with descriptive information on the material including but not limited to:

1. The name of the material
2. Provider of the material
3. Longevity of material as it will be used
4. Description of look, color, and accent to the building
- 2.5. Any other information requested by City Staff, Planning & Zoning Commission, or City Council

Formatted

3. Façade Coverage. The percentage of the façade that each material covers will conform to design standards within the respective zoning district and any additional condition listed further within this section.

a. In the UC – Urban Center District

A. The primary street facing façade on the first floor of any structure on University Avenue, excluding windows or doorways on that façade, will require a minimum of 75% of the material used on that façade must be brick.

1. For corner lots on University Avenue, both the street facing façade on University Avenue and the street facing façade on the connecting street to University Avenue must meet the UC – Urban Center District primary street facing façade material requirements.

B. Façades facing the primary street that are not on the first floor of the structure may use Grade A and/or Grade B materials.

a.C. Façades not street facing may use Grade A and/or Grade B materials for those façades.

Formatted

b. In the CC – Community Commercial District:

A. The primary street facing façade will require a minimum of 50% of Grade A Materials.

1. For corner lots that exist within the CC – Community Commercial District, both street facing façades must meet the primary street facing façade material minimum requirement.

Formatted

B. The remainder of the building on all sides can utilize Grade B and Grade C materials with a maximum of 10% of the total of each façade being Grade C materials.

- b.4. The Zoning Administrator will be responsible for the initial determination of the general compliance with these criteria for a proposed development. Through the Site Plan review process, the Planning & Zoning Commission and City Council will make the final determination on the materials requested and their compliance with this code section.

Formatted

Formatted: No bullets or numbering

172.15 PARKLAND DEDICATION

1. Applicability. Any developer who seeks to develop or redevelop land for residential purposes within the City shall be required to dedicate public parkland. No new plats or site plans for residential development shall be approved unless and until the provisions of this Chapter are complied with. For the purposes of this section,

residential development is defined as the combination and/or redevelopment of existing lots, new multi-family developments, and new mixed-use development.

- a. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public parkland required in Section 172.15.3 Computation of Amount of Public Parkland Required.
- b. Where proposed subdivisions abut undeveloped lands, the dedicated public parkland shall be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the City Council, to allow the public parkland to be increased in size when the adjacent property develops.
- c. The development of private recreational amenity space shall not be used to satisfy parkland dedication requirements.
- d. The City reserves the right to not accept land that in its discretion is not useable or consistent with city plans and/or policies.
- e. Alternative to Development of Public Parkland. If a developer does not desire to dedicate public parkland required in Section 172.15.3 Computation of Amount of Public Parkland Required, the developer may make a request to the City Council that the developer be allowed to meet the requirements of such section through other arrangements agreeable to the City Council and the developer as long as such agreement provides equal value to the city. Such arrangements shall be made between the City Council and the developer in the form of a Development Agreement. The determination of equal value shall be based on the most recent City appraisal study or County.

Formatted: Font: (Default) +Body (Cambria)

Formatted

Formatted: Font: (Default) +Body (Cambria)

2. Exceptions. The following shall be exempted from the requirements of this Chapter:

- a. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
- b. The construction of accessory buildings or structures.
- c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same use and the same number of units.
- d. Construction of a new single-family home, structure, or building on an existing, platted lot.
- e. The installation of a replacement manufactured or mobile home.
- f. The construction of any nonresidential building or structure or the installation of a nonresidential manufactured or mobile home.
- g. The construction of a residential care facility, assisted living facility, nursing facility, or continuing care facility.

h. Any claim of exemption shall be made no later than the time of application for a preliminary plat approval or a building permit, whichever occurs first. Any claim not so made shall be deemed waived.

3. This Section shall prescribe the minimum amount of space to be provided in a proposed development for use as a public park. Such space shall be required to be provided for by a developer who seeks to develop land within the City by submitting a plat or site plan for approval.

a. The amount of public parkland required in a proposed development shall be computed as follows:

A. Residential Occupancy per Living Unit. In determining the anticipated occupancy for the proposed development, it shall be assumed that the following dwellings will accommodate the following number of individuals:

<u>Land Use Type (Unit)</u>	<u>Individuals Per Residential Living Unit</u>
<u>Dwelling, Single-Unit</u>	<u>2.5 Individuals</u>
<u>Dwelling: Two, Three, or Four Unit; Townhouse,</u>	<u>2.0 Individuals</u>
<u>Dwelling: Apartment or Live-Work Unit</u>	<u>1.5 Individuals</u>
<u>Manufactured or Mobile Home</u>	<u>1.5 Individuals</u>

B. Public Parkland per Individual. In determining the space required for public parkland in a proposed development, it shall be required that five (5) acres of recreational space be provided for every 1,000 individuals. Since some developments will not house 1,000 individuals, the space requirement is to be applied on a per-individual basis. Therefore, .005 acres of public parkland shall be provided for each individual proposed to be housed in the new development based on the assumptions contained above.

C. The following is an example of a calculation using the previous sections above for illustration purposes only:

1. For a multi-family development intended for rental ownership, the following formula would be utilized:

a. If the development would have 125 units, then the calculation based on the information above would be as follows:

(number of units) x (1.5 individuals/unit) x (.005 acres/individual)

In this example, the developer would be required to dedicate at least 0.9375 acres of public parkland within the proposed development.

125 Units x 1.5 x .005 = 0.9375 acres

Formatted: Indent: Left: 2.5", No bullets or

CHAPTER 173 ZONING CODE – LANDSCAPING AND SCREENING STANDARDS

- | | |
|---------------------------------|---|
| 173.01 Purpose | 173.06 Screening Standards |
| 173.02 Applicability | 173.07 Screening Standards of |
| 173.03 Landscaping Requirements | Dumpsters and Recycling Areas |
| 173.04 Planting requirements | 173.08 Landscaping Materials and Installation Standards |
| 173.05 Buffer Yard Provisions | |

173.01 PURPOSE.

The Landscaping and Screening Regulations provide guidance on the development of sites within the City by addressing landscaping and screening requirements. They are designed to

improve the appearance of the community, buffer potentially incompatible land uses from one another, and conserve the value of properties within the City.

173.02 APPLICABILITY.

The provisions of this chapter apply to all new development or redevelopment of land on each lot or site upon application for a building permit, except for the following:

1. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss of less than 50% of the total value.
2. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
3. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20%. Where such additions or enlargements are 20% or greater, these provisions apply only to that portion where the new development occurs.

173.03 LANDSCAPING REQUIREMENTS.

1. Landscaping shall be required adjacent to each street property line and within street yards as set forth in Table 173-3 Screened Buffer Yard Requirements.
2. Ground Cover. All areas without buildings, paving, or hard surfaces shall be landscaped with grass or continuous plant beds containing shrubs and flowering perennials.
 - a. No mow and low maintenance yards may be utilized in all areas except within parking lots, and street rights-of-way.
 - A. No mow and low maintenance yards shall: Not contain any noxious weeds outlined in Chapter 317 of the Iowa Code.
 - B. Have a 5 foot buffer of maintained grass with a maintained edge along all property lines and sidewalks.
3. Obstruction of View. Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk, and must maintain the Vision Clearance Triangle.
4. Earth Berm Locations. All earth berm locations shall be reviewed by the Public Works Director to determine how the berms shall relate to drainage and public utilities.
5. Exceptions. A development may continue to comply with the buffer yard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with buffer yard or screening provisions.
6. Supplements to the Official List of Plant Materials. The list of Official List of Plant Materials has been compiled using the latest research data available. Plants other than those listed may be used to fulfill minimum landscaping requirements as approved by the Zoning Administrator. To be considered for approval, a proposed plant material must be submitted for review with the following information or additional information as requested:
 - a. Common name and scientific name of plant material;
 - b. Habitat, geographic climate range, and original native region;
 - c. Growing characteristics, including evergreen or deciduous, height and spread at maturity;

- d. Suitability for different landscape uses and applications;
 - e. Susceptibility to disease and tolerance of environment: heat, drought, pollution stress;
 - f. Fruit bearing characteristics which may be hazardous in pedestrian and parking areas.
7. Encouragement of Native Landscaping Materials. The use of suitable native plant materials is encouraged to fulfill landscaping requirements. Native plants, or those plants which occur naturally in this region, have shown greater adaptability to the seasonal and periodic climate changes which occur in this region.
8. Standards for Required Landscaping.
- a. Plants shall be from the approved plant lists in 173.09 Landscaping Materials. Substitutions will be reviewed by the Zoning Administrator on a case-by-case basis.
 - b. Plants shall *not* be from the “Windsor Heights Restricted Tree/Plant List” as defined in said table.
 - c. All other specifications shall conform with the latest version of the American Standards for Nursery Stock, published by the American Association of Nurserymen for that type of tree or shrub at the time of installation.
 - d. All plant material shall be installed free of disease and in a manner that ensures the availability of sufficient soil and water to sustain healthy growth.
9. Minimum Spacing of Plant Materials.
- a. Spacing of trees: spacing consistent with generally accepted species spread dimension at maturity defined by American Standards for Nursery Stock, or a minimum of one tree for every 30 feet, whichever is less.
 - b. Groundcover turf: immediate and complete coverage of an area within the season.
 - c. Groundcover, creeping: spacing adequate to provide complete coverage in three years.
 - d. Groundcover: maximum spacing upon installation of 18 inches on center, should have immediate and complete coverage of area within the season, and with spacing adequate to provide complete coverage in three years.
10. Supplemental Installation Requirements for Shrubs.
- a. Shrubs shall be installed in a manner that promotes ease of maintenance and quality appearance.
 - b. All shrubs shall be installed in continuous beds or naturalized settings containing a minimum of 3 inches of organic mulch contained by a properly maintained spade edge or other manufactured edging material as approved by the Zoning Administrator.
 - c. Shrub installations shall contain groundcovers, native perennials, or seasonal annuals. Other shrub installations without these features will need approval of the Zoning Administrator, upon demonstration of quality design and a maintenance contract/commitment.
11. Use of Inorganic Landscaping Materials.

- a. No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping.
- b. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than 35% of the minimum required landscaped area.
- c. Concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways less than 5 feet in width.
- d. Buffer yards may not include any paving, regardless of use.

173.04 PLANTING REQUIREMENTS

Table 173.04-01 – Minimum Amount Plantings Required

Planting requirements	R-1, R-2	R-3, CC, UC, LI
Trees	1 per dwelling unit	1 per 2,000 sq.ft. of pervious area
Shrubs	N/A	5 per 2,000 sq.ft. of pervious area

Table 173.04-02 – Minimum Size at Time of Planting

Plant Type	Trunk Minimum	Height Minimum	Other Requirements
Deciduous Overstory Tree	2" (Measured 6" above root collar)	3.5'	N/A
Deciduous Understory Trees	1.5" (Measured 6" above root collar)	3.5'	N/A
Deciduous Scrubs 5' or Greater Mature Height	N/A	3'	N/A
Deciduous Scrubs 3' to 5' Mature Height	N/A	2'	N/A
Deciduous Scrubs 3' or Shorter Mature Height	N/A	15"	N/A
Evergreen Trees	N/A	6'	N/A
Evergreen Shrubs	N/A	2'	N/A
Ground Covers or Perennials	N/A	N/A	Minimum of a 4" container

173.05 BUFFER YARD PROVISIONS.

These provisions apply when use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a screened buffer yard on his/her lot or site, as set forth in this section. Buffer yard requirements apply only to those districts indicated in Table 173-3. Buffer yards are not required for single-family, two-family, or townhouse use types in the more intensive zoning district.

1. The buffer yard dimensions set forth in Table 173-3 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
2. When a street separates adjacent zoning districts requiring a buffer yard, the size of the buffer yard shall be one-half the required buffer yard set forth in Table 173-2.
3. Each required buffer yard must be entirely landscaped and free of paved areas, accessways, storage, or other disturbances.
 - a. Buffer areas shall follow Section 173.06 Screening Standards.

Table 173.05-03 – Screened Buffer Yard Requirements

		Less Intensive Adjacent District
		R-1*, R-2*, & R-3
More Intensive District	UC, CC	10 Feet
	LI	20 Feet
*Applies to residential uses only.		

173.06 SCREENING STANDARDS.

1. Application. Screening is required between adjacent zoning districts indicated in Table 173-3 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.
 - a. The rear elevation of buildings.
 - b. Outdoor storage areas or storage tanks, unless otherwise screened.
 - c. Loading docks, refuse collection points, and other service areas.
 - d. Machinery or areas housing a manufacturing process.
 - e. Major on-site traffic circulation areas or truck and/or trailer parking.
 - f. Sources of glare, noise, or other environmental effects.
 - g. Mechanical equipment and utility appurtenances.
2. Opaque Barrier. An opaque barrier shall be provided which visually screens the conditions listed in subsection 1 from less intensive uses as follows by employing one or more of the following in any combination to obtain a solid barrier of at least 6' in height:
 - a. A solid wood and/or masonry fence or wall at least six feet in height.
 - b. A landscaped screen, using a minimum of 50% evergreen plant material, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting. (Note: All planting materials shall conform to the minimum caliper/size requirements set in Table 173-02)
 - c. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
 - d. Any combination of these methods that achieves a cumulative height of six feet.
 - e. Machinery or equipment that raise above the six feet may need additional screening at the Zoning Administrator's discretion.

- f. Utility equipment and appurtenances and screenings shall be consistent with the building design, colors, and materials.
- 3. Location of Screening Wall. A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required buffer yard.
- 4. Effect on Drainage. Screening shall not adversely affect surface water drainage.

173.07 SCREENING STANDARDS OF DUMPSTERS AND RECYCLING AREAS

- 1. Application. Screening is required to reduce the visibility of dumpster enclosures and recycling areas in R-3, MH, CC, UC, & LI.
- 2. Opaque Barrier. A six-foot opaque barrier shall be provided which visually screens the area.
 - a. A solid wood and/or masonry fence or wall at least six feet in height.
 - b. Must enclose the area around at least three sides.
 - c. Contain a pedestrian entrance.
 - d. Have an access gate that meets Metro Waste Authority standards.
- 3. Landscaping. If the area is located within a larger paved area, such as a parking lot, the following applies:
 - a. A landscape buffer of at least 5 feet shall be located along all sides of the non-gated sides.
 - b. One tree shall be provided in the landscape buffer.
 - c. Ornamental grasses, shrubs, or similar landscape materials shall cover a minimum of 50% of the buffer area.

173.08 LANDSCAPING MATERIALS AND INSTALLATION STANDARDS.

1. Restricted List of Plant Material. No plant material contained on the Restricted List of Plant Material shall be used to fulfill landscape requirements. This list is provided through the office of the Zoning Administrator. These plants are restricted from use because of problems with disease, maintenance, or suitability.

2. Official List of Plant Materials. All plant material installed in landscaped areas or buffer yards shall be consistent with the Official List of Plant Materials provided below or approved as a substitute by the office of the Zoning Administrator. All plant materials shall conform in size, species, and spacing with this section of the Zoning Code. The following materials are permitted, encouraged, or prohibited, based on categories. See the Iowa Urban Tree Council website for the ash tree replacement list.

3. Delay in Planting. All planting shall be installed prior to occupancy or commencement of a use. If the plantings cannot be installed prior to occupancy or commencement of a use due to seasonal conditions that may reduce survivability, the Zoning Administrator may issue a temporary certificate of occupancy and grant a delay of installation until the seasonal calendar dates of June 1 or November 1, whichever occurs first, and the property owner must place in an escrow account, established with the city, an amount which will cover 110% of the estimated cost of plants and installation.

Windsor Heights Tree/Plant List		
Partial Listing of Large Shade Trees for Planting on Public and Private Property		
Common Name	Botanical or Latin Name	Typical Mature Width/Height/Rate
Blackgum	<i>Nyssa sylvatica</i>	
Yellowwood	<i>Cladrastis kentuckea</i>	
Tuliptree	<i>Liriodendron tulipifera</i>	
Bald Cypress	<i>Taxodium distichum</i>	
River Birch	<i>Betula nigra</i>	
Hackberry	<i>Celtis occidentalis</i>	
Honeylocust varieties (thornless)	<i>Gleditsia triacanthos</i> var. <i>inermis</i>	72-100ft
Kentucky Coffetree – Male Only	<i>Gymnocladus dioicus</i>	
Ginkgo, Maidenhair Tree – Male Only	<i>Ginkgo biloba</i>	
Oaks	<i>Quercus</i> sp.	
Lindens	<i>Tilia</i> sp.	
American Elm (Dutch Elm Disease resistant cultivars)	<i>Ulmus americana</i> cultivars	

Windsor Heights Tree/Plant List		
Evergreens for Planting on Public and Private Property		
Common Name	Botanical or Latin Name	Typical Mature Width/Height/Rate

Densiformis Yews	Taxus x media 'Densiformis'	
Eastern Red Cedar	Juniperus virginiana	
Norway Spruce	Picea abies	
Blackhills Spruce	Picea glauca densata	
Colorado Blue Spruce	Picea pungens glauca	
Jack Pine	Pinus banksiana	
Ponderosa Pine	Pinus ponderosa	
Swiss Mountain Pine	Pinus mugho mughus	
Eastern White Pine	Pinus strobus	
White Fir	Abies concolor	
Arborvitae	Thuja occidentalis	
Colorado Blue Spruce (Fat Albert)	Picea pungens	

Windsor Heights Restricted Tree/Plant List		
Tree Planting Prohibited on Street Right-of-Way and Not Recommended for Private Property		
Common Name	Botanical or Latin Name	Typical Mature Width/Height/Rate
Amur Maple	Acer ginnala	
Box Elder	Acer negundo	
Silver Maples	Acer saccharinum	
Norway Maples	Acer platanoides	
Tree of Heaven	Ailanthus altissima	
White Birch*	Betula papyrifera	
Catalpa*	Catalpa species	
Ash	Fraxinus species	
Thorny Honeylocust	Gleditsia tricanthos	
Honeysuckle	Lonicera species	
Mulberry	Morus species	
Pin Oak*	Quercus palustris	
Black Locust	Robinia pseudoacacia	
White Poplar	Populus alba	
Lobardy Poplar	Populus nigra	
Cherries*	Prunus species	
Willows*	Salix species	
All evergreen trees*		
All "weeping" plants*		
Trees bearing fruits and nuts over one foot diameter*		
* - denotes allowable for private property		

Windsor Heights Tree/Plant List		
Dense Deciduous Shrub List for Screening		
Common Name	Botanical or Latin Name	Typical Mature Width/Height/Rate
Large		
Hedge Cotoneaster	Cotoneaster lucida	8-10¢ x 4-5¢
Ninebark	Physocarpus opulifolius 'Diablo'	8-10¢ x 8-10¢
Nanking Cherry	Prunus tomentosa	8-10¢
Preston Lilac	Syringa x prestoniae	
Arrowwood Viburnum	Viburnum dentatum	8¢ x 8¢
European Cranberry Viburnum	Viburnum opulus	8-12¢ x 10-12¢
American Cranberrybush Viburnum	Viburnum trilobum	10¢ x 8¢
Arboretum – any species not prone to splitting		
Medium:		
Fragrant Sumac	Rhus aromatica	6¢ x 5¢
Alpine Current	Ribes alpinum	5¢ x 8¢
Bridal Wreath Spirea	Spirea x vanhouttei	6¢ x 6¢
Dwarf Korean Lilac	Syringa meyeri palibin	6¢ x 10¢
Compact American Cranberry Viburnum	Viburnum trilobum Compact cv.	6¢ x 6¢
Small:		
Dwarf Ninebark	Physocarpus opulifolius nanus	3¢ x 3¢
Potentilla varieties	Potentilla fruticosa cv.	3¢ x 3¢
Gro-Low Sumac	Rhus aromatica Gro-Low	2 x 4-5¢
Green Mound Alpine Current	Ribes alpinum Green Mound	3-4¢ x 2-3¢
Dwarf Blue Leaf Arctic Willow	Salix purpurea nana	4 x 4
Spirea varieties	Spirea bumalda cv.	2¢ x 2¢ – 4¢ x 4¢ – varies with cultivar
Japanese Spirea varieties	Spirea japonica cv.	2¢ x 2¢ – 4¢ x 4¢ – varies with cultivar
Dwarf European Cranberry Bush Viburnum	Viburnum opulus nanum	3¢ x 3¢
Densiform Yews		
Hardy shrub roses		

Windsor Heights Tree/Plant List		
Evergreen Shrubs		
Common Name	Botanical or Latin Name	Typical Mature Width/Height/Rate
Chinese Junipers	Juniperus chinensis	
Blue Holly	Ilex x meserveae	
Sea Green Juniper	Juniperus chinensis 'Sea Green'	
Dwarf Creeping Juniper	Juniperus horizontalis	
Cross Spreading Japanese	Taxus cuspidata	
Hicks Yew	Taxus x media 'Hicksii'	
Taunton Yew	Taxus media 'Taunton'	
Densiflorus Yews		
Green Velvet Boxwood	Buxus x 'Green Velvet'	
Green Mountain Boxwood	Buxus x 'Green Mountain'	
Rhododendron	Rhododendron "PJM"	

Windsor Heights Tree List		
Small Trees for Under High Wires (with upright branching to avoid pedestrians on sidewalks)		
Common Name	Botanical or Latin Name	Typical Mature Width/Height/Rate
Robin Hill Serviceberry	Amelanchier x grandiflora 'Robin Hill'	
Amur Maackia	Maackia amurensis	25¢ x 20¢
Adirondack Flowering Crabapple, white	Malus Adirondack	20¢ x 10¢
Centurion Flowering Crab, rose-red	Malus Centurion	20¢ x 12¢
Red Barron Flowering Crab, rose	Malus Red Barron	18¢ x 8¢
Sentinel Flowering Crab, white	Malus Sentinel	20¢ x 12¢
Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'	20¢ x 15¢

Windsor Heights Tree List		
Small Trees for Under High Wires (where sidewalk clearance is not an issue)		
Common Name	Botanical or Latin Name	Typical Mature Width/Height/Rate
Shadblow Serviceberry, tree form	Amelanchier canadensis	25¢ x 15¢
Autumn Brilliance Serviceberry	Amelanchier g. Autumn Brilliance	20¢ x 25¢
American Hornbeam	Carpinus caroliniana	25¢ x 20¢
Eastern Redbud	Cercis canadensis	25¢ x 20¢
Pagoda Dogwood	Cornus alternifolia	20¢ x 15¢
Washington Hawthorn	Crataegus phaenopyrum	20¢ x 20¢

Winter King Hawthorn	Crataegus v. Winter King	20¢ x 20¢
Common Witch-hazel	Hamamelis virginiana	12-15¢ x 12¢
American Hophornbeam	Ostrya virginiana	35¢ x 25¢
Cherry – Manchurian cherry	Prunus maackii	25¢ x 25¢
Chanticleer Flowering Pear	Pyrus calleryana ‘Chanticleer’	35¢ x 15¢

Windsor Heights Tree List		
Permitted Disease Resistant Flowering Crabapples (not a comprehensive list)		
Common Name	Botanical or Latin Name	Typical Mature Width/Height/Rate
Adams Crabapple (red to pink flowers, red persistent fruit)	Malus ‘Adams’	15¢ x 20¢
Baccata ‘Jackii’	Malus baccata ‘Jackii’	20¢ x 20¢
Beverly (white flowers, red fruit)	Malus (crabapple) x. ‘Beverly’	20¢ x 20¢
Candied Apple (pink flowers, red persistent fruit.)	Malus hybrida	15¢ x 15¢
Callaway	Malus x ‘Callaway’	20¢ x 20¢
Cardinal	Malus ‘Cardinal’	16¢ x 20¢
David (white flowers, red persistent fruit)	Malus ‘David’	12¢ x 12¢
Donald Wyman (white flowers, red persistent fruit)	Malus ‘Donald Wyman’	20¢ x 24¢
Golden Raindrops (white flowers, yellow persistent fruit)	Malus ‘Schmidtcutleaf’	20¢ x 15¢
Jewelberry (white flowers, red fruit)	Malus ‘Jewelberry’	8¢ x 12¢
Liset (dark red flowers, maroon fruit)	Malus x moerlandsii ‘Liset’	15¢ x 15¢
Louisa (pink flowers, yellow fruit)	Malus ‘Louisa’	15¢ x 15¢
Ormiston Roy (white flowers, amber persistent fruit)	Malus ‘Ormiston Roy’	20¢ x 25¢
Pink Princess (pink flowers, deep red fruit)	Malus ‘Parrsi’	8¢ x 12¢
Prairifire (rose-red flowers, dark red persistent fruit)	Malus ‘Prairifire’	20¢ x 20¢
Professor Sprenger (white flowers, orange-red persistent fruit)	Malus ‘Professor Sprenger’	20¢ x 20¢

Robinson (deep pink flowers, red fruit)	Malus 'Robinson'	25¢ x 20¢
Sargent (white flowers, red persistent fruit)	Malus sargentii	8¢ x 12¢
Strawberry Parfait	Malus 'Strawberry Parfait'	18¢ x 22¢
Sugar Tyme (white flowers, red fruit)	Malus 'Sutyzam'	18¢ x 15¢
Zumi Calocarpa (white flowers, red fruit)	Malus x zumi 'Calocarpa'	15¢ x 15¢

Windsor Heights Tree/Plant List		
Plants with Good to Moderate Salt Tolerance		
Common Name	Botanical or Latin Name	Typical Mature Width/Height/Rate
Deciduous Shrubs		
St. John's Wort	Hypericum prolificum	4¢ x 4¢
Lilacs (Miss Kim)	Syringa pubescens subsp. patula	
Northern Bayberry	Myrica pennsylvanica	9¢ x 6¢
Mockorange, size varies with species	Philadelphus spp. & cvs.	
Cinquefoil, 3¢ x 3¢	Potentilla spp. & cvs.	3¢ x 3¢
Smooth Sumac	Rhus glabra	10¢ x 5¢
Staghorn Sumac	Rhus typhina	24¢ x 12¢
Snowberry	Symphoricarpos albus	3¢ x 3¢
Common Lilac	Syringa vulgaris	12¢x10¢
Arrowwood Viburnum	Viburnum dentatum	6¢ x 6¢
Deciduous Trees:		
Common Horsechestnut	Aesculus hippocastanum	
Shadblow Serviceberry	Amelanchier Canadensis	
Northern Catalpa	Catalpa speciosa	
Hackberry	Celtis occidentalis	
Cockspur Hawthorn	Crataegus crus-galli	
Maidenhair/ Ginkgo	Ginkgo biloba - Male only	
Honeylocust	Gleditsia tricanthos	
Kentucky Coffeetree) – Male only	Gymnocladus dioicus	
Cottonwood	Populus deltoides	
Quaking Aspen	Populus tremuloides	

Black Cherry	Prunus serotina	
Choke Cherry	Prunus virginiana	
White Oak	Quercus alba	
Burr Oak	Quercus macrocarpa	
Red Oak	Quercus rubra	
Groundcovers:		
Bugleweed	Ajuga reptans	
Goutweed	Aegopodium podagraria	
Creeping Cotoneaster	Cotoneaster adpressa	
Bearberry Cotoneaster	Cotoneaster dammeri	
Rockspray Cotoneaster	Cotoneaster horizontalis	
Hesse Cotoneaster	Cotoneaster horizontalis 'Hessei'	
Wintercreeper	Euonymus fortunei cultivars	
English Ivy	Hedera helix	
Plantain Lily	Cultivars Hosta cultivars	
Japanese Garden Juniper	Juniperus chinensis procumbens	
Gro-low sumac	Rhus aromatica 'Gro-low'	
Periwinkle	Vinca minor	

CHAPTER 174

ZONING CODE – ACCESS & PARKING

174.01 Purpose	
174.02 General Provisions	174.09 Off-Street Parking Design Standards
174.03 Pedestrian Connectivity	174.10 Off-Street Loading
174.04 Schedule of Off-Street Parking Requirements	174.11 Parking for Personal Vehicles
174.05 Short-Term Bike Parking	174.12 Parking for Recreational Vehicles
174.06 Long-Term Bike Parking	174.13 Storage and Parking of Unlicensed Vehicles
174.07 Parking Facility Location	
174.08 Parking for People with Disabilities	

174.01 PURPOSE.

The Access & Parking Regulations require that developments provide safe, direct, and convenient access for pedestrians, bicycles, automobiles, and loading in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

174.02 GENERAL PROVISIONS.

1. Applicability. Off-street parking shall be provided for any new building constructed, for new uses or conversions of existing buildings, or for enlargements of existing structures.
2. Heavy commercial vehicles, including tractor cab units weighing more than 2.5 tons gross empty weight, shall not be parked on any lot within the R-1, R-2, R-3, and MH residential zoning districts. Recreational vehicles meeting the definition of heavy commercial vehicles shall only be allowed on any lot within the R-1, R-2, R-3, and MH residential zoning districts if they comply with the special provisions listed below.
3. Exemptions. Any current use existing within the UC Urban Center District before the effective date of this code is exempt from the off-street parking requirements provided by Section 174.04³. Any off-street parking facility constructed in the UC District after the effective date of this Zoning Code must comply with the design standards set forth in this chapter.

174.03 PEDESTRIAN CONNECTIVITY

1. Sites shall be designed with delineated sidewalks, walkways, and paths to provide continuous circulation throughout the site connecting principal structures, dwelling units, parking areas, parking garages, and other prominent features. Pedestrian connection(s) shall be made between the internal circulation system and the adjacent public sidewalk or trail

systems. The site shall be organized so that the buildings frame and reinforce pedestrian circulation between lots.

2. Sites shall be designed to limit the number of pedestrian and motorist conflict points.
3. Sidewalks shall be a minimum of six (6) feet unless specifically exempted by the Administrative Official or other Administrative Official.
4. Developments shall have pedestrian amenities such as walkways, benches, etc.
5. Enhanced pedestrian elements at the sidewalk level including decorative lighting, seating or low sitting walls, planters, enhanced paving techniques, etc., shall be incorporated into the theme.
6. To promote a higher level of pedestrian awareness, the use of alternate paving materials to designate pedestrian traffic areas from vehicular use areas and travel lanes is required. Mere cuts in the concrete will not be sufficient to meet the requirements of this section.

174.04 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 174-1.

1. When a computation of required parking results in a fraction of 0.5 or greater, the requirement should be rounded up to the next whole number.
2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the Building Code in effect for the City at the time the use is established.
4. For sites with more than one use, the parking requirement shall be the sum of spaces required for each use, except as provided below.
5. The Board of Adjustment may authorize an adjustment in the total parking requirement for separate uses located on the same site or for separate uses located on adjoining sites and served by the same parking facility. The Board shall consider at least the following criteria in determining approval of such an adjustment:
 - a. The characteristics and time of operation of each use, and differences in projected peak parking demand.
 - b. Potential reduction in total expected vehicle movements afforded by multiple uses of the parking facilities.
 - c. Functional design of the development and its parking facilities.
 - d. Evidence of a written agreement that provides for the joint use of parking facilities within 300ft of the use.

Table 174.04-01 – Minimum Off-Street Parking Requirements

Use	Required Spaces
Administration	1 space for 1,000 square feet
Agricultural Sales/Service	1 space per 5,000 square feet

Landfills (All types)	No requirement
Auto Rental and Sales	1 space per 1,000 square feet
Auto Service	1 space per 500 square feet
Body Repair	1 space per 500 square feet
Broadcasting Tower	No requirement
Business Support	1 space per 500 square feet
Campground	1 space per camping unit
Cemetery	No requirement
Civic Organizations	1 space per 1,000 square feet
Bars	1 space per 350 500 square feet
Commercial Recreation (All types)	1 space per 500 square feet
Communications Services	1 space per 500 square feet
Community Garden	No requirement
Construction Sales	1 space per 2,000 square feet
Construction Yards	1 space per 5,000 square feet
Consumer Services	1 space per 500 square feet
In-Patient Services	1 space for 1,000 square feet
Convenience Storage	1 space per 20 storage units
Crop Production	No requirement
Cultural Services	1 space per 2,000 square feet
Custom Manufacturing	1 space per 2,000 square feet
Day Care Services	1 space per 500 square feet
Two Unit Residential	1 space per dwelling unit
Equipment Sales/Service	1 space per 1,000 square feet
Food Sales (all types)	1 space per 200 square feet
Financial Services	1 space per 1,000 square feet
Gaming Facilities	1 space per 500 square feet
General Industry	1 space per 2,000 square feet or as approved by the Zoning Administrator
General Offices	1 space per 500 square feet
General Retail Services (All types)	1 space per 500 square feet
Group Care Facility	1 space per 1,000 square feet
Group Home	1 space per 1,000 square feet

Group Residential	1 space for each two residents
Guidance Services	1 space per 1,000 square feet
Health Care (Small-scale)	1 space per 1.5 beds
Health Care (Large-scale)	1 space per 1.5 beds
Heavy Industry	1 space per 5,000 square feet or as approved by the Zoning Administrator
Horticulture	No requirement
Library/Museum/Cultural Facility	1 space per 1,000 square feet
Light Industry	1 space per 1,000 square feet or as approved by the Zoning Administrator
Liquor Sales	1 space per 500 square feet
Lodging	1 space per sleeping room
Maintenance Facilities	1 space per 1,000 square feet
Medical Offices	1 space per 500 square feet
Mobile Home Residential	1 space per dwelling unit
Multi-Family Residential	1 space per dwelling unit
Non-Putrescible Landfill	No requirement
Pawn Shop	1 space per 500 square feet
Personal Improvement Services	1 space per 250 square feet
Personal Services	1 space per 500 square feet
Pet Services	1 space per 1,000 square feet
Railroad Facilities	1 space per 1,000 square feet
Resource Extraction	1 space per 5,000 square feet
Restaurants (Drive-In)	1 space per 350 500 square feet
Restaurants (General)	1 space per 350 500 square feet
Salvage Services	1 space per 2,000 square feet or as approved by the Zoning Administrator
Single-Family Residential	2 spaces per dwelling unit
Commercial breeders	1 space per 1000 square feet
Surplus Sales	1 space per 2,000 square feet
Trade Services	1 space per 500 square feet
Veterinary Services	1 space per 500 square feet
Warehousing	1 space per 5,000 square feet or as approved by the Zoning Administrator

174.05 SHORT-TERM BIKE PARKING

1. Minimum Number of Required Off-Street Parking Spaces for Bicycles
 - a. Refer to Table 174-3 for minimum space requirements.

2. Dimensions
 - a. Each rack must be at least 3' apart from each other and 6' long. (There shall be an unimpeded rectangle of space centered on the bike rack that is 6' long and 3' wide.)
3. Location of Bicycle Parking Areas
 - a. Bicycle parking shall be placed within 100' of and clearly visible from the main entrance.
 - b. The zoning administrator may approve an alternate location provided that the location meets the intent of this section.
4. Design and Construction of Bicycle Parking Areas
 - a. All bicycle parking areas shall be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface.
 - b. All bike racks shall be:
 - A. Securely anchored;
 - B. Able to support the bicycle frame in at least two places;
 - C. Allow the locking of a bicycle frame and at least one wheel with a U-lock.
 - c. All short-term bicycle racks shall either be an "inverted u" or "post & ring" style.
 - d. All bicycle parking spaces shall be constructed in accordance with the latest version of the Association of Pedestrian & Bicycle Professionals Bicycle Parking Guidelines.
5. Minimum Number of Required Off-Street Parking Spaces for Bicycles
 - a. Refer to Table 174-3 for minimum requirements.

174.06 LONG-TERM BIKE PARKING

1. Minimum Number of Required Off-Street Parking Spaces for Bicycles
 - a. Refer to Table 174-3 for minimum space requirements.
2. Dimensions
 - a. The total space of the bike room shall be at least 18 square feet for each required bike space with a minimum overall size of 100sq. ft.
3. Location of Bicycle Parking Areas
 - a. Bicycle parking shall be located on the same site and within the building, or within 300' of the main entrance.
 - b. The zoning administrator may approve an alternate location provided that the location meets the intent of this section.
4. Design and Construction of Bicycle Parking Areas
 - a. All bicycle parking areas shall be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface.
 - b. All bicycle parking areas shall be within a building or provided with a permanent cover including, but not limited to, roof overhangs, awnings, or bicycle storage lockers.
 - c. All bike racks shall be:
 - A. Securely anchored;
 - B. Able to support the bicycle frame in at least two places;
 - C. Allow the locking of a bicycle frame and at least one wheel with a U-lock.
 - d. Long-term bicycle racks shall be:

- A. "inverted u" or "post & ring" style or
 - B. "staggered wheel," "well-secure," "vertical," or "two-tier" style with no more than 75% of total long-term bicycle racks being this type.
 - e. All bicycle parking spaces shall be constructed in accordance with the latest version of the Association of Pedestrian & Bicycle Professionals Bicycle Parking Guidelines.
5. Minimum Number of Required Off-Street Parking Spaces for Bicycles
- a. Refer to Table 174-3 for minimum requirements.

Table 174.06-01 – Minimum Bicycle Parking Requirements

Use Type	Short Term Spaces required	Long-Term Spaces
Agricultural Use Types	None required	None required
Residential Use Types	1 per 4 dwelling units	1 per 10 dwelling units
Commercial Use Types	1 per 4,000sq.ft.	1 per 10,000sq.ft.
Civic Use Types	1 per 4,000sq.ft.	1 per 10,000sq.ft.
Office Use Types	1 per 4,000sq.ft.	1 per 10,000sq.ft.
Industrial Use Types	None required	1 per 20,000sq.ft.

174.07 PARKING FACILITY LOCATION.

- 1. Residential Parking.
 - a. Off-street parking for residential one or two-family uses shall be located on the same lot or site as the use.
 - i. Restriction. Off-street parking shall not be located in the required front yard setback.
 - ii. Continuous. The parking stalls shall be continuous with the improved drive.
 - b. Off-street parking areas for multi-family residential uses shall be at least six feet from any residential building and shall not be located within a required front yard.

174.08 OFF-STREET PARKING DESIGN STANDARDS.

- 1. Dimensions

- a. All parking spaces shall follow Table 174-4 Minimum Parking Lot Design Requirements.
2. Pavement and Drainage.
 - a. Off-street parking facilities shall be hard surfaced and maintained with materials sufficient to prevent mud, dust, or loose material. Acceptable hard surface materials shall include concrete, asphalt, brick, or concrete pavers.
 - A. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties or public rights-of-way.
3. Areas where parking lots or drive lanes are visible from the public street shall provide a significant level of screening through the use of any of the following:
 - A. Earthen berms;
 - B. Three feet or higher in conjunction with vegetation;
 - C. Landscaped walls;
 - D. Walls constructed for the retainment of soil which are greater than 4 feet in height shall be designed by an individual knowledgeable and certified in structural engineering;
 - E. Walls may be brick, individual decorative modular wall stone, natural stacked wall, or filed stone. Walls composed of landscape timbers or other wood products are not desired due to the deterioration potential of the material. Wood walls may be used, with approval by the Administrative Official or Planning and Zoning Commission and City Council, in areas where views of the wall are minimal.
 - F. Plants shall be at least every 10ft along all types of walls to soften the visual impact, visually break up long expanses of the wall, and to visually anchor it to the site. Accessory plant screening shall be of evergreen materials.
 - G. Perimeter masonry screen walls are required accessory plants at least every 10ft. Where possible, landscaping shall be provided within a minimum 4' wide planting bed and include trees, shrubs, and/or groundcovers. Landscaping shall coordinate with the streetscape landscaping. Landscaping shall be kept in a neat and orderly manner.
4. Landscape and Screening Requirements. Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:
 - a. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
 - b. Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
 - c. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.

- d. All off-street parking areas shall include at least 1 required landscape island for every 12 **required** parking spaces.
 - A. Each required landscape island shall measure a minimum of 190 square feet in area.
 - B. Each required island shall contain a minimum of 1 deciduous shade tree or 1 deciduous ornamental tree.
 1. At least 10% of the island's land area shall have plant material other than sod or grass installed, not including the minimum required tree.
 2. The remainder of the landscape pods and islands shall be sodded or mulched. If mulched, mulch shall be replenished annually; volcano mulching around trees is not permissible. Pea gravel and lava rocks will not be allowed.
 - C. Parking islands should be located at the end of parking bays so as to define vehicular and pedestrian traffic patterns.
 - D. The zoning administrator may approve a design where landscape islands are aggregated into one or more larger landscape islands.
 - e. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Chapter 173 of this Zoning Code.
5. Entrances and Exits.
- a. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.
 - b. Parking facilities other than driveways for single-family, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.
 - c. Shared driveways between abutting properties are encouraged, provided that an access easement exists between all property owners.
6. Lighting. Lighting is required for all parking lots.
- a. Lighting used to illuminate any off-street parking area shall be arranged to direct light away from residential uses and the right-of-way.
7. Maintenance. All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, carts, and litter; maintaining parking surfaces in sound condition; maintaining aisle lines and the painted surfaces of signs; and providing proper care of landscaped areas.
8. Adjustment. For uses subject to conditional use permit approval, the Board of Adjustment may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this chapter.

Table 174.08-01 – Minimum Parking Lot Design Requirements

Space Angle	Space Width	Parking Row Depth	Curb Width	Drive Aisle Width: One-Way	Drive Aisle Width: Two-Way

Parallel (0°)	8'	8'	22'	12'	22'
45°	8'6"	18'	12'9"	15'	24'
60°	9'	19'	10'5"	18'	24'
Perpendicular(90°)	9'	18'	9'	24'	24'

174.09 OFF-STREET LOADING.

1. Loading Requirement. Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

Schedule of Loading Spaces. Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 174-5 Off-Street Loading Requirements Structures.

Table 174.09-01 – Off-Street Loading Requirements Structures

Gross Floor Area of Use (square feet)	Number of Required Loading Spaces
5,000 or less	None
5,001 – 25,000	1
25,001 – 75,000	2
Larger than 75,000	3

3. Design Standards.

A. Each loading space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.

B. Paving of loading spaces and access areas shall be permanent, durable, and free of dust.

C. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this chapter.

174.10 PARKING FOR PEOPLE WITH DISABILITIES.

Each off-street parking facility shall provide the number of parking spaces set forth in Table 174-6 designed and designated for use by people with disabilities. Design criteria and dimensions are set forth in the Off-Street Parking Design Standards and the requirements of the Americans with Disabilities Act. Please refer to sections 208 and 502 of the 2010 ADA Standards for Accessible Design for parking spaces and 209 and 503 of the 2010 ADA Standards for Accessible Design for passenger loading zones.

1. Location. In parking lots or garages, accessible parking spaces must be located on the shortest accessible route to the accessible entrance. An accessible route is the path a person with a disability takes to enter and move through a building or facility.
2. Access Aisles. Accessible parking spaces must have access aisles. Access aisles provide a designated area for people who use wheelchairs or other mobility devices to get in and

out of their car or van. Mobility devices allow people with disabilities to move about independently. They include walkers, canes, crutches, braces, manual or power wheelchairs, Segways, and electric scooters. Access aisles shall be:

- a. Marked
 - b. The same length as the space
 - c. Level with the parking space.
3. Van Accessible.
- a. The first space and at least one out of every six parking spaces shall be van accessible.
 - A. Van accessible spaces option 1:
 1. Be at least 132" inches wide.
 2. Have an access aisle at least 60" wide.
 3. Have no more than a 1.48 (2.08%) slope in all directions.
 4. Provide at least 98" of vertical clearance (van height) for the parking space, access aisle, and vehicular route.
 5. Have a surface that is firm, stable, and slip resistant.
 6. Have two signs, the international symbol of accessibility and another stating that the space is van accessible, mounted at least 60 inches above the ground measured to the bottom of the sign.
 - B. Van accessible spaces option 2:
 1. Be at least 96" inches wide.
 2. Have an access aisle at least 96" wide.
 3. Have no more than a 1.48 (2.08%) slope in all directions.
 4. Provide at least 98" of vertical clearance (van height) for the parking space, access aisle, and vehicular route.
 5. Have a surface that is firm, stable, and slip resistant.
 6. Have two signs, the international symbol of accessibility and another stating that the space is van accessible, mounted at least 60 inches above the ground measured to the bottom of the sign.
4. Car Accessible. All spaces that are not van accessible shall be car accessible as defined below.
- a. Be at least 96" wide.
 - b. Have an access aisle at least 60 inches wide.
 - c. Have no more than a 1.48 (2.08%) slope in all directions.
 - d. Have a surface that is firm, stable, and slip resistant.
 - e. Have a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground measured to the bottom of the sign.

Table 174.10-01 – Accessible Parking Requirements

Number of Stalls	Minimum Number of Required Accessible Spaces
01-25	1
26-50	2

51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total parking provided
1,001 and over	20, plus 1 for every 100 stalls over 1,000
*One in every six accessible spaces (but not less than one) shall be served by an access aisle with a minimum width of 96 inches and shall be designated as "Van Accessible."	

174.11 PARKING FOR PERSONAL VEHICLES.

1. Applicability. This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include passenger cars; vans; pickup trucks, recreational vehicles, camper shells, toppers, and other similar items intended for attachment to a personal vehicle; Trucks, tractor cab units, trailers, trailers longer than 20 feet, and vehicles over 2.5 tons gross empty weight shall be defined as heavy commercial vehicles.

2. Location of Parking for Personal Vehicles.

- a. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
- b. Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way.
- c. Parking of personal vehicles may occur in the rear yard setback (outside of an enclosed structure and not on the front yard paved driveway) if such parking meets the following conditions:
 - A. The parking space is provided on a surface consisting of asphalt, concrete, brick, or paving stones made of one of the aforementioned substances. Parking is prohibited on gravel, regrind, crushed concrete/asphalt, sand, dirt, grass or other surfaces not mentioned in this section.
 - B. The parking surface shall be no less than the overall length and width of the vehicle parked on the surface.
 - C. The parking surface shall not exceed the maximum impervious coverage limit for the lot.
- d. In areas not zoned for commercial use, parking of vehicles on private property for the purpose of sale of such vehicles is prohibited.

174.12 PARKING FOR RECREATIONAL VEHICLES

1. Special Provisions for Recreational Vehicles and Boats. Parking and storage of recreational vehicles and boats within residential districts are subject to the following additional conditions. These conditions are in addition to those requirements for the parking of personal vehicles.

- a. Recreational vehicles and boats must be maintained in a clean, well-kept state.
- b. Recreational vehicles and boats equipped with liquefied petroleum gas containers must ensure that such containers meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
- c. Recreational vehicles may be used as temporary housing by non-paying guests for a maximum of three consecutive days and no more than 14 days total during any calendar year. Cooking in the recreational vehicle is prohibited at all times.
- d. Recreational vehicles and boats may not be permanently connected to utility lines.
- e. Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.
- f. Recreational vehicles and boats shall be parked outside of required front yard setbacks.
- g. No more than two recreational vehicles and/or boats may be parked on a single property at any one time. Any recreational vehicle or boat parked on a property must be owned in whole or in part by the resident of the property.

(Section 174.08 – Ord. 21-03 – May 21 Supp.)

174.13 STORAGE AND PARKING OF UNLICENSED OR OTHER VEHICLES.

1. The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel, or tract of land or part thereof, situated within the zoning jurisdiction of the City; provided, conformance with the following shall not constitute a violation of this section:

- a. The storage of any unlicensed and/or unregistered motor vehicle in a fully enclosed garage.
- b. Parking, storage, or keeping, other than in a fully enclosed garage of any non-operable motor vehicle is prohibited on any residential zoned lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City; provided, however, automobiles that are non-operable by reasons of repair work being done thereon may be parked on the residential lot of the owner of said automobile within the City's zoning jurisdiction under the following conditions:
 - A. The automobile is owned by the occupier of the premises and registered to him/her at that address.
 - B. The period of said repair work does not exceed ten days in duration.
 - C. Repair work is at all times conducted on a paved driveway.
 - D. No more than one automobile in need of repair is situated on the premises at the same time.

CHAPTER 175

ZONING CODE – SIGN REGULATIONS

175.01 Purpose	175.07 Use of Compatible Materials
175.02 General Permit Procedures	175.08 Sign Area
175.03 Exempt Signs	175.09 Permitted Signs
175.04 General Sign and Street Graphics Regulations	175.10 Nonconforming Signs
175.05 Basic Design Elements for On-Premises Signs	
175.06 Other Design Elements	

175.01 PURPOSE.

The Sign Regulations provide standards for communicating information in the environment of the City and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the City's attractive appearance; to provide for adequate business identification, advertising, and communication of information; all while protecting and promoting the free speech and expression rights of citizens within Windsor Heights. Any complaint received regarding a sign that comports with these regulations does not constitute a violation of this code section.

175.02 GENERAL PERMIT PROCEDURES.

Any installation, modification, or expansion of any sign which is not exempt from the provisions of this chapter shall be subject to the following permit procedure.

1. Maintenance of Valid Sign Permit. The owner of a property containing signs requiring a permit under this Zoning Code shall at all times maintain in force a sign permit for such property. Sign permits may be issued for individual zoned lots, tenants, or sign owners. A sign permit may be revoked if the sign is not maintained in good condition.
2. Any person who displays a sign in compliance with this code may substitute the message on that sign without first securing any additional approval, permitting, or notice, provided that any such substitution would not result in the sign becoming noncompliant.
3. Nothing in this code is intended or shall be construed so as to prevent the strengthening or restoration to a safe condition of a nonconforming sign for purposes of public health and safety.
4. Sign Permit Applications. All applications for sign permits shall be submitted to the Zoning Administrator in accordance with application specifications established by the ordinance.
5. Application Fees. Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the Council from time to time by resolution.
6. Permit Expiration. If a permanent sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse. Permits on non-permanent signs lapse in accordance with the timeline identified on the permit. After 60 days, permits are required to maintain temporary signs or more than a single temporary sign with a maximum of two renewals.
7. Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

175.03 EXEMPT SIGNS

The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.

1. Up to three non-temporary signs on R-1, R-2, or R-3 that are smaller than 4 square feet in area.
2. Official signs authorized by a government or governmental subdivision, which give traffic, directional, or warning information, or other official information.
3. Temporary signs less than 8 square feet.
4. Neighborhood or subdivision identification signs under 50 square feet.
5. Street numbers or address signs that identify the address of a lot, structure, or establishment.
6. Signs which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed, such as window signs.
7. Sidewalk signs which include two sided portable signs that are placed on the sidewalk outside of an establishment. 1 sign maximum per business and they must not interfere with a minimum of 5 feet of sidewalk clearance at all times.

175.04 GENERAL SIGN AND STREET GRAPHICS REGULATIONS.

1. Compliance. Each sign or part of a sign erected within the zoning jurisdiction of the City must comply with the provisions of this chapter and of other relevant provisions of this Code of Ordinances.

2. Resolution of Conflicting Regulations. This chapter is not meant to repeal or interfere with the enforcement of other sections of this Code of Ordinances. In cases of conflicts between Code sections, or State or Federal regulations, the more restrictive regulations shall apply, except where State law or the State Constitution preempts municipal law, in which case State law or the State Constitution will govern, or where Federal law of the U.S. Constitution preempts State and municipal law, in which case Federal law or the U.S. Constitution will govern.

3. Prohibited Signs. The following signs are prohibited in all zoning districts.
- a. Any sign which is structurally unsafe, unsafely installed, or otherwise hazardous to physical safety.
 - b. Any sign that obstructs free ingress to or egress from a fire escape, door, window, or other required access way to or from a building or site.
 - c. Any sign not maintained in good condition.
 - d. Any sign that blocks the vision clearance areas or would obstruct a driver's clear line of sight of traffic or pedestrians, or which obscures official signs or signals.
 - e. Any sign that interferes with the view of, or is confused with, any traffic control sign or device, and any sign that misleads or confuses traffic flow. A sign's position, size, shape, color, and illumination, but not its content, shall be considered when making such a determination.
 - f. Abandoned signs, which must be removed within six months of the date of abandonment.
 - g. Electronic changeable copy signs which incorporate in any manner any rolling, flashing, pulsating, rotating, beacons, or moving lights.
 - h. Any sign nailed, fastened, or affixed to any tree.

- i. Any sign that otherwise violates this sign code.
 - j. Any sign displaying any obscene matter, as that term is defined by Iowa Code Chapter 728.
4. Buffer Yards. No sign other than on-premises directional signs shall be placed within any buffer yard required by Chapter 173, Landscaping and Screening Standards, except buffer yards adjacent to intervening major streets.
5. Vision-Clearance Triangle. No sign may project into or be placed within a vision-clearance area.
6. Removal of Signs. If a sign owner's business, profession, commodity, service, or other activity or use formerly occupying the site is discontinued, the sign must be removed within fifteen (15) days of closure. If the owner does not remove the sign, the City will remove it at the owner's expense.

175.05 BASIC DESIGN ELEMENTS FOR ON-PREMISES SIGNS.

- 1. Professional Design and Construction. All signs must be designed and constructed by an individual or company pre-approved by the City and familiar with the City's sign ordinance. The proposed individual or company shall be designated on the applicant's sign permit and approved by the City in advance of sign construction.
- 2. Wall Signs and Graphics. Wall signs and graphics are subject to the following general regulations.
 - a. A wall sign shall not extend more than 12 inches from the wall to which it is attached.
 - b. A wall sign must be parallel to the wall to which it is attached.
 - c. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
 - d. A wall sign may not extend beyond its building's roofline.
 - e. A wall sign attached to a building on its front property line may encroach upon public right-of-way by no more than 12 inches. Such a wall sign shall provide a minimum clearance of eight feet, six inches.
 - f. For the purpose of calculating permitted sign areas pursuant to this chapter, signs painted on the walls of buildings shall be considered wall signs.
 - g. Where permitted, canopy signs are counted as wall signs when calculating the total permitted sign area.
- 3. Projecting Signs and Graphics. Projecting signs and graphics are subject to the following general regulations.
 - a. The maximum projection of any projecting sign shall be three feet.
 - b. A projecting sign may be no closer than two feet from the vertical plane of the inside curb line.
 - c. Each projecting sign must maintain at least the following vertical clearances:
 - A. 8 feet, 6 inches over sidewalks, except that a canopy may reduce its vertical clearance to 7 feet, 6 inches;
 - B. 14 feet over parking lots;
 - C. 18 feet over alleys or driveways;

- D. Unless noted above, no projecting sign shall be placed over a roadway.
- d. No projecting sign extending three feet from a property line may be located within 22 feet of any other projecting sign extending three feet from a property line.
- e. The support structure for projecting signs cannot be visible.
- 4. Roof Signs. Roof signs are subject to the following regulations:
 - a. Where permitted, integral roof signs may be used interchangeably with wall signs.
 - b. Above peak roof signs are prohibited.

175.06 OTHER DESIGN ELEMENTS.

- 1. Illumination. Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.
- 2. Marquees and Marquee Signs. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.
- 3. Banners.
 - a. A banner sign projecting from a building may not exceed the wall height of the building.
 - b. Maximum projection for any banner is three feet with a minimum vertical clearance of 8 feet, 6 inches.

175.07 USE OF COMPATIBLE MATERIALS.

All signs, excluding temporary signs, shall be constructed of materials that are similar to those used on the principal building. Such signage shall be dominated with materials of permanency and strength and shall be compatible with other structures and signs in the development.

175.08 SIGN AREA.

- 1. Maximum Permitted Sign Area. Maximum permitted sign area for a premises is set forth as a numerical limit and is the combined total of all signs on the premise.
- 2. Sign Area.
 - a. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
 - b. The area of double-faced signs is calculated on the largest face only.
 - c. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.
 - d. In the case of individual letters mounted to a wall, the total area in a simple shape such as a rectangle around the letters will be calculated.
- 3. Height. The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.
- 4. Setback. The setback of a sign is measured from the property line to the supporting frame, mast, pole, or base of the sign.

175.09 PERMITTED SIGNS

Table 175.09-01 – Permitted Signs by Type and Zoning Districts

Sign Types	R-1	R-2	R-3	MH	CC	UC	LI
Detached Signs							
Monument	P	P	P	P	P	P	P
Ground	P	P	P	P	P	P	P
Pole	N	N	N	N	N	N	N
Attached Signs							
Awning	N	N	N	P	P	P	P
Banner	N	N	N	N	P	P	P
Building Marker	P	P	P	P	P	P	P
Canopy	N	N	N	N	P	P	P
Marquee	N	N	N	N	P	P	P
Projecting	N	N	N	N	P	N	P
Roof, Integral	N	N	N	N	P	N	P
Wall	P	P	P	P	P	P	P
Window	N	N	N	N	P	P	P
Miscellaneous							
Portable	N	N	N	N	P	P	N

P = Permitted for All Uses; N = Not Permitted

Table 175.09-02 – Auxiliary Design Elements by Zoning District

Sign Types	R-1	R-2	R-3	MH	CC	UC	LI
Illumination							
Indirect	P	P	P	P	P	P	P
Direct	N	N	N	N	N	N	N
Internal	P	P	P	P	P	P	P
Neon	N	N	N	N	P	P	P
Flashing	N	N	N	N	N	N	N
Flame	N	N	N	N	N	N	N
Other							
Electronic Changeable Copy	N	N	N	N	P	P	P
Moving	N	N	N	N	N	N	N
Rotating	N	N	N	N	N	N	N

P = Permitted for All Uses; N = Not Permitted

Table 175.09-03 - Permitted Signs by Maximum Permitted Area and District

The Maximum Permitted Area for all signs on a premises, excluding exempt signs:

Zoning district	Maximum total square feet
R-1, R-2	8
R-3	32
MH	48
CC, UC	150
LI	200

Table 175.09-04 – Permitted Signs by Numbers, Dimensions, and Locations

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:

Zoning District:	R-1 R-2	R-3 MH	CC UC	LI
Detached Signs				
Number Permitted Per Premises	1	1	NA	NA
Maximum Size* (square feet)	8	32	90	90
Maximum Height (feet) of Structure Above Ground	10	10	10	10
Front Yard Setback (feet)	5	5	10	0
Side Yard Setback (feet)	10	10	5	0
Attached Signs				
Maximum Size* (square feet)	8	32	150	200
* For those uses only permitted a sufficient maximum sign area in Table 175-3				

(Ch. 175 – Ord. 18-14 – Nov. 18 Supp.)

175.10 NONCONFORMING SIGNS.

1. Any permanent sign that was in place and lawfully established on December 21, 1998, shall be considered as a legal nonconforming sign to the extent that such a sign does not comply with the provisions of this chapter. The cover of such sign may be changed from time to time,

provided that the sign area shall not be enlarged or reduced beyond the sign area in existence on December 21, 1998.

2. Any nonconforming sign which presently is or becomes structurally damaged or deteriorated or is altered by more than 50% of its replacement cost, shall be either removed or altered so as to comply with this chapter.

DRAFT

CHAPTER 176
ZONING CODE – NONCONFORMING DEVELOPMENT

176.01 Purpose	176.04 Nonconforming Structures
176.02 Regulations Additive	176.05 Nonconforming Uses
176.03 Nonconforming Lots	

176.01 PURPOSE.

This chapter contains the Nonconforming Development Regulations. The purposes of these regulations are:

1. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts.
2. To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts.
3. To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts.
4. To limit the continuation and provide for the gradual replacement of nonconforming uses.

176.02 EXISTING DEVELOPMENT.

Any maintenance to any structure or site feature shall not cause the site or building to become non-compliant with the regulations set forth in this Ordinance. If the site or building is already non-compliant, the change to the building or site proposed by the owner shall not cause them to become more non-compliant. In such instances, improvements shall be completed in a manner which makes the building, site, or related items more substantially compliant with the current provisions of this Ordinance than was previous to the improvements. Any improvement proposed to modify the size of a building, lot, parking area, etc. shall be submitted for review by the City. If the proposed improvement(s) modify the size of a building or lot by less than 30%, it shall be submitted for review by City staff and approved or disapproved by the Administrative Official. The Administrative Official shall have the authority to require such a project be reviewed by the Planning and Zoning Commission and City Council if they feel such review is warranted. If the proposed change is in excess of 30% in size, it shall be submitted for full review and approval or disapproval by the Planning and Zoning Commission and City Council. See 170.07 for full site plan review requirements.

176.03 LEGAL NON-CONFORMING USES.

Any site or building use permitted under a previous zoning district's regulation shall conform to the regulations of this Ordinance under the current site and building design provisions determined to be most applicable to the non-conforming use by the Administrative Official.

176.04 NONCONFORMING LOTS.

1. Pre-Existing Lots of Record. Nonconforming lots of record existing at the time of the adoption of this Zoning Code shall be exempt, unless otherwise provided, from the minimum lot

area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by this Zoning Code.

2. Reductions Due to Public Acquisition. If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

176.05 NONCONFORMING STRUCTURES.

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Zoning Code.

1. Continuation. A lawful nonconforming structure existing on the effective date of this Zoning Code may be continued, repaired, maintained, or altered, subject to the provisions of this section.

2. Additions or Enlargements to Nonconforming Structures.

a. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:

A. The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.

B. The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.

3. Moving of Nonconforming Structures. A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

4. Repair of Nonconforming Structures. A lawful nonconforming building damaged by fire, explosion, storm, or other calamity, except flood damages, may be repaired and reconstructed, provided there is no increase in the degree of nonconformity. Repair and reconstruction within the designated floodplain shall be in conformance with Floodplain development regulations. Any repairs must be completed in compliance with all applicable building codes and regulations.

5. Applicability of Landscaping and Screening Regulations. A pre-existing structure, building, or development shall be exempt from Chapter 173, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto a property that is or becomes vacant on or after the effective date of this Zoning Code shall be subject to Chapter 173.

6. Allowance for Repairs. Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

7. Damage or Destruction of Structures. Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50% of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

176.06 NONCONFORMING USES.

1. Continuation of Nonconforming Uses. Any nonconforming use lawfully existing on the effective date of this Zoning Code may continue, subject to the limitations of this section.
2. Enlargement of Nonconforming Uses. A lawful nonconforming use may not be expanded.
3. Abandonment of Nonconforming Use. If use becomes abandoned or unused for a continuous period of six months, any subsequent use must conform to all use regulations applicable to the property's zoning district.
4. Change of Use. A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal to or less intensive than that normally required for the previous use.
5. Nonconforming Uses and Conditional Use and Special Use Permits. A lawful pre-existing use which would require a conditional use or special use permit in its zoning district shall be presumed to have the appropriate permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of permits, set forth in Chapter 176.

CHAPTER 177
ZONING CODE – ADMINISTRATION AND PROCEDURES

177.01 Purpose	177.04 Extension of The Extra-Territorial Jurisdiction
177.02 Site Plan Review Procedure	Table 177-1 Criteria for Site Plan Review
177.03 Amendment Procedure	

177.01 PURPOSE.

The Administration and Procedures provisions establish the methods for implementation of site plan review, rezoning, and amendments to the zoning code.

177.02 SITE PLAN REVIEW PROCEDURE.

1. Purpose. The Site Plan Review Procedure provides for special review in addition to plan review required by other sections of this Code of Ordinances of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for the review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.
2. Administration. The Zoning Administrator shall review, evaluate, and act on all site plans submitted pursuant to this procedure. The Planning and Zoning Commission shall review site plans and shall transmit its recommendation to the City Council for approval.
3. Uses Requiring Site Plan Review. Select uses as required by Chapter 170.
4. Application Requirements. An application for a site plan review may be filed by the owner of a property or the owner's authorized agent with the Zoning Administrator. Site plan application forms are available in the offices of the Zoning Administrator. The application shall include the criteria listed in Chapter 170.
5. Administrative Action. The Zoning Administrator shall review each site plan and provide a written recommendation to the Planning and Zoning Commission and City Council. The Planning and Zoning Commission shall transmit its recommendation to the City Council, which will then act on the application.
6. Review and Evaluation.
 - a. The Planning and Zoning Commission and City Council shall review and approve the site plan based on the criteria established in Chapter 170 and conformance with applicable regulations in this Zoning Code and the vision of the comprehensive plan.
 - b. The Planning and Zoning Commission shall make the following findings before recommending approval of the site plan to the City Council:
 - A. The proposed development, together with any necessary modifications, is compatible with the criteria established in Chapter 170.
 - B. Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.
 - C. The site plan conforms to this Zoning Code and to the vision of the comprehensive plan.

7. **Modification of Site Plan.** The Zoning Administrator, Planning and Zoning Commission, and City Council may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include (but are not limited to) additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.

8. **Term and Modification of Approval.**

- a. A site plan approval shall become void one year after the date of approval unless the applicant receives a building permit and diligently carries out development prior to the expiration of this period.
- b. The Zoning Administrator may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 177-1.
- c. The Zoning Administrator may revoke a site plan approval if said official determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

177.03 AMENDMENT PROCEDURE.

The amendment procedures describe the methods by which changes may be made in the text of this Zoning Code (text amendment) and/or the official boundaries of zoning districts (rezoning).

1. **Initiation of Amendments.**

- a. Text amendments may be initiated by the Planning and Zoning Commission or City Council.
- b. Rezoning may be initiated by a property owner or authorized agent, the Planning and Zoning Commission, or the City Council.

2. **Rezoning Application Requirements.** An application for a rezoning may be filed with the Zoning Administrator. The application shall include the following information:

- a. Name and address of the applicant.
- b. Owner, address, and legal description of the property.
- c. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
- d. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

3. **Amendment Process.**

- a. The Planning Commission, following not less than 4 days notice and publication shall hold a public hearing on each proposed text or rezoning and shall recommend action to the City Council.
- b. The City Council, after publication and public hearing, shall act on the proposed amendment. A majority vote of those members either elected or appointed to the City Council is required for approval. If the proposed amendment is recommended for

disapproval by the Planning Commission, a majority vote plus one of the City Council shall be required for approval.

- c. Protest. If a valid protest petition opposing an amendment is filed with the City Clerk by eligible property owners, a majority vote plus one of those members either elected or appointed to the City Council is required for approval. A valid protest petition must meet the following criteria:

- A. Submission of the petition in the office of the City Clerk within 14 days after the conclusion of the public hearing on the amendment by the Planning Commission.
- B. Notarized signatures by at least one of the following:

- 1. The owner or owners of at least 20% of the property proposed for rezoning.
- 2. The owners of 20% of the total area, excluding public rights-of-way and public property, within the zoning jurisdiction of the City and within 200 feet of the proposed rezoning.

- 4. Required Notice and Publication. Prior to consideration of amending, supplementing, changing, modifying, or repealing this Zoning Code by the governing body, notice of public hearings shall be provided by two of the three following methods, as determined by the City:

- a. Publication. Not less than 4 days before the date of hearing, the City Clerk shall have published in a newspaper published at least once weekly and having a general circulation in the City a notice of the time, place, and subject matter of such hearing.
- b. Notification by Mail. At least ten days prior to the date of hearing, the party initiating the rezoning request shall present the City Clerk a certified address list of those persons who own property within 500 feet of the subject site. The City Clerk shall mail notice of the time, place, and subject matter of the hearing to such property owners at least ten days prior to the date of the hearing.

177.04 EXTENSION -OF THE EXTRA-TERRITORIAL JURISDICTION.

Upon the automatic extension of the two-mile extra-territorial jurisdiction due to annexation, the City Council with the recommendation of the Planning Commission shall zone properties within the newly established jurisdiction concurrent with adoption of the annexation ordinance. The zoning shall consider the Comprehensive Development Plan of the City and the present use of the land.

ORDINANCE NO. 23-09

AN ORDINANCE ADDING SECTION 60.08.08 (PEDESTRIAN SAFETY, USE OF MEDIANS)

BE IT ENACTED by the City Council of the City of Windsor Heights, Iowa, as follows:

SECTION 1. SECTION MODIFIED. Section 60.08.08 (Pedestrian Safety, Use of Medians) is added by inserting the following new language:

60.08.08 PEDESTRIAN SAFETY, USE OF MEDIANS.

A. The city council makes the following findings and adopts the following statement of purposes of this section:

1. The National Association of City Transportation Officials Urban Street Design Guide (2011) states that a median or island should be at least six feet wide where pedestrians are present. This is consistent with the Public Rights-of-Way Accessibility Guidelines promulgated by the United States Access Board which specify that a pedestrian refuge in a street must have a top surface width of six feet, excluding curbs.

B.

1. For streets with a speed limit of 30 miles per hour or higher, pedestrians are prohibited from standing, sitting or staying on a median for any purpose other than to cross the street unless the width of the top surface of the median, excluding the curbs is at least six feet wide.

Section 60.08.08 (B) does not apply to:

1. Police officers, peace officers and parking enforcement personnel of the police department or employees of the fire department while performing official duties of the city.

2. Employees or contractors for the city or other individuals authorized by the city to perform construction or maintenance work on city streets or rights-of-way, while performing construction or maintenance work on the street provided that proper street signage is used and streets are blocked off as required by the city.

3. Any individual responding to an emergency in the street.

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved 1st Reading on this 6th day of November, 2023.

Passed and approved 2nd Reading on this _20___th day of __November_____, 2023.

Waived and approved 3rd and final Reading on this _20___th day of ____November____, 2023.

Mike Jones, Mayor

(SEAL)

ATTEST: Adam Strait, City Clerk

ORDINANCE NO. 23-08

**AN ORDINANCE AMENDING SECTION 1.12 (WARRANTS)
REGARDING ADMINISTRATIVE SEARCH WARRANTS**

BE IT ENACTED by the City Council of the City of Windsor Heights, Iowa, as follows:

SECTION 1. SECTION MODIFIED. Section 1.12 (Warrants) is amended by inserting the following new underlined language:

1.12 WARRANTS

If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the County, pursuant to Section 808.14 of the *Code of Iowa*, for an administrative search warrant which is reasonable with respect to time and scope. The presence or absence of law enforcement should be disclosed in the application. The City shall notify the owner and occupant of the dwelling unit, rooming unit, structure, building, or premises of the application for the administrative search warrant by (i) posting such notice on the property to be inspected, and (ii) sending the notice via regular mail to the owner of record. The occupant of the dwelling unit, rooming unit, structure, building, or premises shall have the opportunity to be heard at any hearing for an administrative search warrant. No owner, operator or occupant or any other person having charge, care, or control of any dwelling unit, rooming unit, structure, building, or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved 1st Reading on this __16__th day of __October_____, 2023.

Passed and approved 2nd Reading on this __6__th day of __November_____, 2023.

Passed and approved 3rd and final Reading on this __20__th day of __Novmber_____, 2023.

Mike Jones, Mayor

(SEAL)

ATTEST: Adam Strait, City Clerk



To: Mayor and City Council
From: Adam Plagge, City Administrator
Date: November 06, 2023
Subject: Space Use Analysis

GENERAL INFORMATION

The below goals were adopted by City Council on February 6, 2023. Administration wanted to provide these to City Council and staff as a refresher prior to beginning the budgeting process as City staff will utilize these goals as broad direction for planning and operational purposes. If the Council has any revisions or feedback on when and how City Council would like to revisit the goals, staff will set aside time at a future City Council meeting for this process to take place.

COMMUNITY VISION STATEMENT

Working together to build the best small city in the metro

The City of Windsor Heights is uniquely positioned within the Des Moines metro. As a land-locked suburb the community must think creatively about how to attract and retain businesses, customers, and residents as growth options will be required to be innovative and likely grass-roots efforts. In order to be proactive in learning and planning for the future, the city completed a visioning and data collection process to assist with future planning.

The visioning process was facilitated by J. Scott Raecker, Executive Director of The Robert D. and Billie Ray Center at Drake University and Cassandra Halls, President of 2 THE TOP. The visioning process included multiple steps to capture input from the community, business, partners, peers and others to help the Mayor and Council understand what direction is most important, allow for sharing of ideas and accept constructive feedback.

COMMUNITY MISSION STATEMENT

The mission of Windsor Heights is to provide our residents, businesses, and visitors a safe environment and exceptional city services through a team-oriented and fiscally responsible approach in order to create a unique, sustainably vibrant community.

2023 CITY COUNCIL GOALS

Goal #1 – Focus City services, resources, and cooperative partnerships on creating and maintaining a **safe community** for all residents, businesses and visitors.

Objective A: Recruit and train quality staff while maintaining adequate staffing levels in all departments, including 24/7 paramedic staffing.

Objective B: Implement policies and practices leading to clean air and protection of water resources – i.e. expanding anti-smoking initiatives and membership in Central Iowa Water Trails efforts.

Objective C: Replace aging vehicles and equipment and seek to transition to fuel efficient vehicles as practical.

Objective D: The City should work to become the employer of choice for our employees, and perspective employees, by ensuring alignment of wages, benefits, and employee support to create a positive and engaging work environment.

Goal #2 – Develop and implement processes to ensure delivery of **exceptional City services**.

Objective A: Pursue shared and contracted services with neighboring community partners in service delivery on recreational programming, and traffic signal operation and maintenance.

Objective B: Revise the City’s code of ordinances to address outdated regulations.

Objective C: Improve the City’s enforcement of nuisance violations in an effort to cleanup properties throughout the community.

Goal #3 – Protect the **financial future** of the City through reasonable and well-thought-out fiscal policies and adherence to generally accepted government finance practices.

Objective A: Update the Equipment Revolving Program (ERP) annually.

Objective B: Update the Capital Improvement Program (CIP) annually.

Objective C: Balance the continuation of basic municipal services with the addition of new program initiatives considering the availability of financial resources long-term.

Objective D: Establish a standard budgeting process that will institute continuity that will allow multi-year analysis and decision-making.

Objective E: Receive a clean fiscal year audit report.

Objective F: Investigate and pursue new revenue streams.

Goal #4 – Create and maintain a **high-functioning City team** of elected officials, professional staff and volunteer board members via regular and pertinent training and continuing education opportunities.

Objective A: Review and revise the Council and employee handbooks.

Objective B: Identify and allocate resources to support ongoing employee training focused upon improving customer service.

Objective C: Develop a retention and succession plan to prepare for future employee turnover.

[Type text]

Goal #5 – Build a **unique and sustainably vibrant community** that contributes to the overall character of the Greater Des Moines region.

Objective A: Invest in art and culture opportunities unique to the region in cooperation with Bravo.

Objective B: Continue to invest, at the City level, in community events while fostering partnerships with the Foundation, Chamber of Commerce, and other community partners.

Objective C: Invest in community artwork.

Objective D: Continue implementation of the Colby Park plan; make decisions regarding what to do with Lions Park; pursue new trails and bike hub facility; and initiate discussion for establishing a new northeast park amenity.

Goal #6 – Pursue a **comprehensive economic development strategy** that supports a healthy business sector and contributes to a better overall quality of life.

Objective A: Invest in a comprehensive marketing plan for business attraction using the community survey results.

Objective B: Build on the existing partnership with local development partners.

Objective C: Establish a source of funding in support of property redevelopment and rehabilitation. Specifically focus resources in support of minority-owned business grants.

Goal #7 – Plan and **invest in City infrastructure** to ensure the long-term viability of the community's roadways, utilities, parks, and public facilities.

Objective A: Establish a long-term funding plan for streets, sewers, parks, storm sewers, city facility improvements, sidewalks/trailways, flood mitigation and other large scale investments.

Objective B: Expand existing community recreation options and pursue partnerships with the schools and other community organizations.

Objective C: Complete a long-term public facilities plan.

Objective D: Implement a plan to address Walnut Creek bank stabilization.

Objective E: Focus capital resources on improving safety and availability of pedestrian facilities.

Objective F: Research and identify green technologies that could be made available to residents and businesses as a way of addressing environmental concerns.

Goal #8 – Pursue initiatives aimed at growing Windsor Heights as a **diverse and inclusive community**.

Objective A: Identify new and emerging housing sector needs and develop strategies to pursue.

Objective B: Plan and hold new multi-cultural special events with community partners.

Objective C: Maintain City's commitment to unbiased policing and equal treatment of all residents regardless of age, race, sexual orientation, or physical disability.

Objective D: Pursue grant opportunities to encourage the growth of minority-owned businesses.

Goal #9 – Continually strive to better **communicate with Windsor Heights residents** to achieve the most transparent government and understand citizen viewpoints.

Objective A: Continue to communicate with residents through newsletters and look at other opportunities to communicate that will best serve the community.

Objective B: Maximize the use of social media to offer multiple methods of disseminating information to the public.

Objective C: Develop a marketing plan to establish Windsor Heights as a destination for residents in the region.

Objective D: Continuously improve the City's website to ensure accessibility by all.

Objective E: Highlight programs in the metro area that can benefit Windsor Heights' residents; Metro Home Program, Storm Water Best Management Reimbursement Program, Neighborhood Finance Corporation, etc.

FY25 BUDGET CALENDAR

State Law requires reporting of the FY25 City Budget by 4/30/24.

January 2024

- 1/12/24 Personnel & Finance Committee review draft CIP/ERP
- 1/15/24 Draft ERP discussion at Council meeting

February 2024

- 2/5/24 Budget Kickoff Meeting (w/updated CIP/ERP) to Council & Public Forum held
- 2/6/24-2/16/24 Individual meetings with Council (if requested)
- Week of 2/12/24 Personnel & Finance Committee review proposed budget
- 2/19/24
 - A. City Council Budget/CIP/ERP Review Work Session
 - B. Council sets Capital Improvement Plan Public Hearing (to be held on 3/4)

March 2024

- 3/4/24
 - A. Capital Improvement Plan Public Hearing
 - B. Resolution for Capital Improvement Plan approved
 - C. Council sets Proposed Tax Rate Levy Public Hearing (to be held on 4/1)

April 2024

- 4/1/24
 - A. Budget Public Hearing on Proposed Tax Levy (Special Council meeting)
 - B. Set a date for the Budget Adoption Hearing (Regular Council meeting)
- 4/15/24
 - A. Hold Public Hearing on Budget Adoption
 - B. Adopt the FY25 Budget
- 4/30/24 Approved Budget certified to Iowa Dept. of Mgmt. and Polk County Auditor

**Windsor Heights Fire Dept.**

1133 66th Street
Windsor Heights, Iowa 50324

Office: 515-279-9450
Fax: 515-279-7760

October 2023 Monthly Report

Work Areas

1. A Shift

- Conducted pumping operations training with FT and PT staff throughout the month.
- Completed multi-company live fire training with Clive, Urbandale, and Waukee at the FAST-training tower.
- Continued to complete shift assigned commercial inspections.
- Completion of the rental inspection program.
- Continued work on inventory of PPE and duty uniforms.

2. B Shift

- Completed all monthly assigned trainings.
- Completed multi-company live fire training with Clive, Urbandale, and Waukee at the FAST-training tower.
- Continued to complete shift assigned commercial inspections.
- Continued work on implementing the upcoming POC academy.

3. C Shift

- Continued minor maintenance on emergency response fleet.
- Completed multi-company live fire training with Clive, Urbandale, and Waukee at the FAST-training tower.
- Continued to complete shift assigned commercial inspections.
- Completion of monthly assigned training.

4. Chief Mease

- Attended multiple meetings with Metro area agencies to include the Polk County Fire Chiefs, Polk County EMA, Chief Garcia with Clive Fire, The Central Iowa Public Safety Communications Technology Authority, Westcom CAD User Group.
- Attending calls as needed with all crews to ensure appropriate mitigation.
- Attended Flood Response Planning and Training with Roe Consulting.

DUTY - PRIDE - TRADITION

The Windsor Heights Fire Department's mission is to deliver excellent EMS and Fire service to the public through continuous training, rapid response, public education, and fire prevention.



Windsor Heights Fire Dept.

1133 66th Street
Windsor Heights, Iowa 50324

Office: 515-279-9450
Fax: 515-279-7760

- Assisted with Command Staff at scheduled live fire training at the FAST tower.
- Attended leadership training in Davenport presented by Corley Moore.
- Attended the Iowa Association of Professional Fire Chiefs annual 2 day leadership event.

Fire Department Accomplishments

- All crews visited Cowles Elementary School during Fire Prevention Week to discuss fire safety and display the fire truck. Ember was a big hit!
- All crews completed live fire training at the FAST tower, an annual requirement for structural firefighters.
- Multiple members went to Davenport to participate in leadership training presented by Corley Moore.
- Members had a successful Pancake Day to kick off the Fall Festival, assisting as needed during the entire event. This included emergency response standby for the fireworks presentation.
- B shift was able to attend a joint training with the Clive Fire Department, touring Chicago Bridge and Iron.
- FF/EMT Jeff Price attended the Tri-State Emergency Conference in Dubuque, Iowa.



DUTY - PRIDE - TRADITION

The Windsor Heights Fire Department's mission is to deliver excellent EMS and Fire service to the public through continuous training, rapid response, public education, and fire prevention.



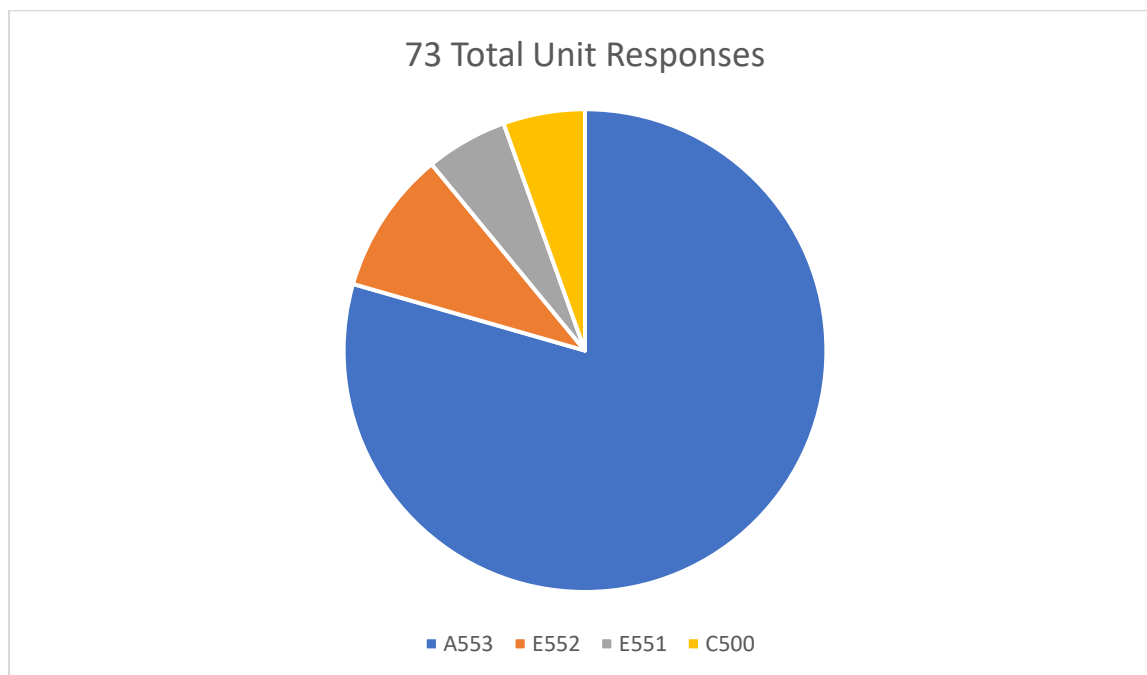
Windsor Heights Fire Dept.

1133 66th Street
Windsor Heights, Iowa 50324

Office: 515-279-9450
Fax: 515-279-7760

Calls

- 10/11 – Crews were dispatched to Forest Court for the report of a structure fire. On arrival the crew were met by a resident stating there was a stove fire and her grandchildren locked her out of the house. Light smoke was noted with children still inside the house. The door was forced open with the children being taken outside. All other units responding from Clive, Urbandale, and West Des Moines were canceled. Fire was no longer present, and crews ventilated the structure. Residents were allowed to return to the residence after it was deemed safe by fire service personnel.
- 10/17 – Crews were dispatched to 68th and Mott for a vehicle vs. pedestrian. The patient was transported without issue.
- 10/18 – Crews were dispatched for mutual aid in Clive for a reported structure fire. The call went without incident and crews were released.
- 10/24 – Crews were dispatched for the report of a gas leak due to a struck gas line. FD stood by until Mid-American arrived. The call went without incident.



DUTY - PRIDE - TRADITION

The Windsor Heights Fire Department's mission is to deliver excellent EMS and Fire service to the public through continuous training, rapid response, public education, and fire prevention.

To: City Administrator Adam Plagge

From: Police Chief Pete Roth

Date: November 15, 2023

Re: Police Department October/November 2023 Monthly Report

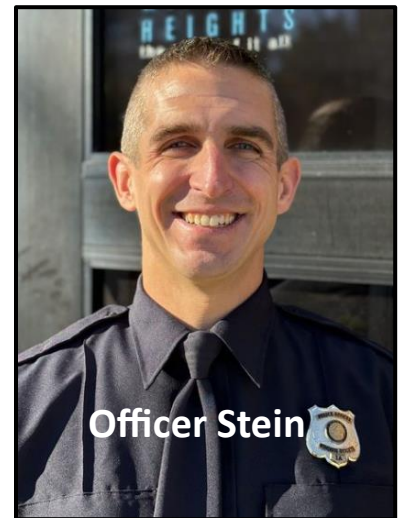
Please find below the highlights for the Police Department.

Department Updates

Eric Stein was sworn in on Monday, November 13 as the department's newest police officer. Officer Stein is certified and has approximately four years of law enforcement experience. Eric is eager and excited to serve the community and further his career in law enforcement.

The inaugural Saturday Beggar's Night was held on October 28. Officers handed out candy, provided extra patrols, and interacted with many trick-or-treaters. While speaking with the many parents and guardians, all seemed to like having Beggar's Night on Saturday.

Detective Johnson coordinated the department's participation in the Drug Enforcement Administration's National Prescription Drug Take Back on Saturday, October 28. Over 10 pounds of prescription medication was turned into officers working the event. The Omaha DEA Region reported 21,316 total pounds were collected for destruction.



The DMACC Criminal Justice Club hosted a recognition presentation on November 1 at the main campus in Ankeny. This was a formal "thank you" for the donation of two retired WHPD police cars. Mayor Jones, Council Members Skeries and Jones, as well as City Staff attended the event. A special plaque was presented to the Mayor.

Veterans Day 2023



Department Facebook Post 11/10/23

The city celebrated Veterans Day on November 10 with a luncheon and several presentations at the CEC. Thank you to Council Member Skeries, the Urbandale/Windsor Heights Chamber, and the many volunteers and supporters who made this event special in recognizing our veterans.



Training

Administrative Support Clerk Breese attended a meeting/training at WestCom regarding our Report Management System (RMS) on Tuesday, October 17.

Chief Roth and Lt. Norris attended training presented by the Brick Gentry Law Firm covering Iowa Code Chapter 80F – Rights of Police Officers and Public Safety and Emergency Personnel, Problem Employees, Discipline, and HR Considerations for police agencies in Iowa. The training was sponsored by the Iowa Police Chiefs Association.

Lt. Irlbeck and Detective Johnson attended training at the Polk County Sheriff's Office on Wednesday, November 8. The training focused on financial fraud investigations, cryptocurrency, and other related investigative items presented by a former U.S. Secret Service special agent.

Incidents

While officers were investigating a suspicious activity incident on October 31 in the 1200 block of 66th Street, they discovered a stolen vehicle reported out of Des Moines. After completing their investigation, several charges were filed which included narcotics charges.

On October 28, Officer Davison conducted a welfare check on a motorist. When Officer Davison caught up to the vehicle, already parked at a convenience store on University Avenue, he found that the driver may be impaired and began an investigation. The driver was arrested and charged with OWI 2nd Offense, an aggravated misdemeanor.

