



AGENDA
REGULAR MEETING OF THE
WINDSOR HEIGHTS CITY COUNCIL
Monday, December 18, 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. **Public Hearing:**
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 December 4th, 2023
 - B. Approve Payment of Claims
 - C. Approve Financial Reports
 - D. Consider Resolution No. 2023-66 A Resolution Waiving CEC Fees for the American Heart Association's Volunteer Event on January 17th 2024
 - E. Consider Resolution No. 2023-65 A Resolution Authorizing the City Of Windsor Heights, Iowa to Submit an Application for Funding From the Federal Surface Transportation Block Grant (STBG) to the Des Moines Area Metropolitan Planning Organization (MPO) for the Partial Funding of the Construction of 73rd Street Phase 1 and Further Approving the Application Which Obligates the City to Matching Funds for the Construction of Said Project
 - F. Approve Liquor License - Centerfield Sports Bar - 6555 University Ave
6. **New Business:**
 - A. Consider Third and Final Reading, Adopt and Publish of Ordinance No. 23-06 - Amendments to Chapter 165 - 177 Related to the Zoning Code
 - B. Consider Third and Final Reading, Adopt and Publish of Ordinance 23-10 - Amendments to Chapter 183 (Mobile Food Units)

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.

- C. Consider Resolution 2023-67 Approving Updated CEC Guidelines
 - D. Consider Resolution 2023-64 Approving an Updated Fee Schedule For The City Of Windsor Heights
 - E. Consider Approval of 2024 City Council Goals And Objectives
 - F. Consider Approval to Purchase Additional Holiday Lights
7. **Reports:**
- A. Mayor, Council Reports and Committee Updates, and Administration Reports
 - B. Police Chief's Report
 - C. Fire 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.

City of Windsor Heights Regular Business Meeting Minutes
Monday, December 4, 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, Joseph Jones, Michael Libbie, Lauren Campbell, and Threase Harms. Staff present: City Administrator Adam Plagge, City Clerk Adam Strait, Deputy City Clerk Nate Leuthold, City Attorney Erin Clanton, Police Chief Pete Roth, and City Engineer Justin Ernst.

2. Approval of the Agenda

Motion by Michael Libbie to APPROVE. Seconded by Threase Harms. Motion passed 5-0

3. Swear in City Council Members Susan Skeries and Threase Harms

Susan Skeries and Threase Harms were both sworn in to their re-elected terms (2024-2028).

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.

Public Forum opened at 6:05 PM. No public comment. Closed at 6:05 PM.

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

Motion by Threase Harms to discuss items C, H, and I and to approve all other items. Seconded by Joseph Jones. Motion passed 5-0.

A. Approve Minutes of the Regular Council Meeting on November 20, 2023

B. Approve Payment of Claims

D. Approve University Avenue Improvements Project Pay Request No. 17

E. Approve Resolution No. 2023-59 - A Resolution Appointing Regular and Alternative Member Representatives to the Metropolitan Planning Organization (MPO) for 2024

F. Approve Resolution No. 2023-60 - A Resolution Appointing Commissioner and Alternative Commissioner to the Des Moines Area Regional Transit Authority ("DART") for 2024

G. Approve Resolution No. 2023-61 - A Resolution Approving the 73rd Street Improvement Plans

6. New Business:

C. Approve University Avenue Improvements Project Change Order 21, 22, 23, 24

Susan Skeries requested more information regarding the change order. Justin Ernst provided staff report. Motion from Threase Harms to APPROVE. Seconded by Joseph Jones. Motion passed 5-0.

H. Approve Resolution No. 2023-62 - A Resolution Waiving CEC Fees for the Iowa State Fraternal Order of Police on December 14th, 2023

Susan Skeries requested to clarify cleaning fee protocol. Nate Leuthold provided a brief staff report. Motion by Threase Harms to APPROVE. Seconded by Susan Skeries. Motion passed 5-0.

I. Approve Resolution No. 2023-63 - A Resolution Waiving CEC Fees for the Windsor Heights Foundation's Light the Heights Event on December 28th, 2023

Motion by Threase Harms to APPROVE. Seconded by Susan Skeries. Motion passed 5-0.

A. Consideration of the Second 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

Motion by Threase Harms to APPROVE. Seconded by Michael Libbie. Motion passed 5-0.

B. Consideration of the Second Reading of Ordinance No. 2023-10 - An Ordinance Amending Chapter 183 (Mobile Food Units)

Adam Plagge provided a staff report regarding updated language. Motion by Threase Harms to APPROVE. Seconded by Joseph Jones. Motion passed 5-0.

C. Consideration of Approval of Memorandum of Understanding (MOU) with Teamsters Local 238

Pete Roth gave a staff report. Motion by Threase Harms to APPROVE. Seconded by Susan Skeries. Motion passed 5-0.

D. Consideration of Entering Into A Space Use Analysis Agreement With OPN Architects

Adam Plagge gave a staff report spoke regarding previous analyses. Threase Harms would like to see it budgeted for the next budget Michael Libbie agreed. Susan Skeries spoke against agreement in the near future. Lauren Campbell spoke in favor of exploring so we can prioritize goals and CIP. Michael Libbie agreed. Mayor Jones asked council to consider budgeting for this in CIP for next budget year. Motion by Threase Harms to add \$25,000 to the CIP for next budget year for the purpose of this agreement. Seconded by Michael Libbie. Motion passed 4-1. Yea: Joseph Jones, Michael Libbie, Lauren Campbell, Threase Harms. Nay: Susan Skeries.

E. Discuss City Council Goals

Item 3-C: Lauren Campbell, Mike Jones, and Susan Skeries spoke regarding possible meanings. Council eliminated the section, as it has had no movement and is unclear.

Item 6-A: Michael Libbie spoke regarding Chamber of Commerce involvement in this objective. Council agreed that the Chamber was the best route to achieve this goal.

Item 5-B: Susan spoke regarding the Windsor Heights Foundation and their involvement with this objective. Mike Jones spoke regarding budgets and involvement as well. Council agreed to clarify and clean up the wording of the goal.

Item 7-B: Threase Harms spoke regarding organizations involved in this goal. Susan Skeries spoke regarding the organizations as well. Pete Roth spoke regarding PD involvement in local schools.

Item 8-B: Susan Skeries spoke regarding events and multicultural partners. Objective is ongoing.

Item 9-C: Threase Harms spoke about clarifying the language. Council agreed to change "residents" to "visitors" for this goal.

Additional goals item 1: Susan Skeries spoke regarding the CEC AV system.

Adam Plagge advised that staff is working with Nerotek on this issue. Staff to update the fee schedule

Additional goals item 3: Adam Plagge spoke regarding consolidating digital data. In progress; temp agency to provide assistance.

Additional goals items 4 and 5: Adam Plagge spoke regarding progress on these goals and recommend that Council adopt them.

Item 5-8: Threase spoke regarding Colby Park goals and adding trees to the list.

Adam Plagge spoke regarding future plans to address trees. Adam Strait spoke regarding reaching out to Cedar Rapids to gather more information about their ReLeaf tree program.

Item 7-A: Threase asked for the word "establish" be updated to "maintain."

Susan Skeries asked for an update on this goal from staff. Adam Plagge asked for clarification. He plans to reach out to the public works committee to provide an update.

F. Discuss University Avenue Pole Banners

Adam Plagge presented the banner design selected by communications committee. Joseph Jones spoke in concern of legibility of "the heart of it all."

Adam Plagge agreed to look into font size as well as budget line.

7. Reports:

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

Threase Harms - Thank you to everyone for help and support of Windsor Wonderland; specially thanked Nate, Adam S, Jason, Brian, Zeke, volunteers, Chief Roth and PD, Adam P, council, Susan, Lauren, family, Jessica, sponsors: Remax, Cumulus and Danger. MAC this upcoming week.

Lauren Campbell - Thank you to family and volunteers, Brian for building Randy the Reindeer's stand, and to everyone who helped make Windsor Wonderland a success.

Michael Libbie - Provided a communication committee update. Veterans Day event was great. Windsor Wonderland had a great turnout from out-of-city visitors. Great planning and event.

Joseph Jones - Attending a DART meeting tomorrow talking about shortfalls; will post last feedback meeting dates.

Susan Skeries - Meet with chamber about sponsorship for special events.

Attended a Polk County heating and cooling station lunch-and-learn. Will attend a civility summit and board meeting for the MWA. Thanks to Threase for Windsor Wonderland planning; noticed attendees were coming in and supporting local. special thanks to Anna.

Adam Plagge - Gave update on park demolition; staff will be in contact with CEC renters

i Mayor's Report

ii Communication Committee Meeting Minutes

8. Closed Session Under Iowa Code Section 21.5(1)(c): To Discuss Strategy With Counsel In Matters

That Are Presently In Litigation Or Where Litigation Is Imminent Where Its Disclosure Would Be Likely To Prejudice Or Disadvantage The Position Of The Governmental Body In That Litigation.

Motion by Threase Harms to enter closed session at 7:33 PM. Susan Skeries seconded. Motion passed 5-0.

Motion by Threase Harms to exit closed session at 7:46 PM. Michael Libbie seconded. Motion passed 5-0.

9. **Adjourn**

Motion by Joseph Jones to adjourn at 7:47 PM. Seconded by Susan Skeries. Motion passed 5-0.

Vendor Checks: 11/28/2023-12/12/202

Payroll Checks: 11/28/2023-12/12/2023

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
AHLERS COONEY P.C.	COLLECTIVE BARGAINING		3,500.00	56187	12/12/23
AMAZON CAPITAL SERVICES	FLOOR MATS FOR CAR 36	174.46		56137	11/29/23
AMAZON CAPITAL SERVICES	SUPPLIES	204.12	378.58	56188	12/12/23
AMERICAN ALARMS	CEC ALARM SYSTEM		200.94	56189	12/12/23
AUREON IT	OFFICE 365		1,642.50	56190	12/12/23
BAKER ELECTRIC INC.	UTILITY LOCATES		1,254.60	56191	12/12/23
BANKERS TRUST COMPANY	CC FEES	32.40		4560	12/12/23
BANKERS TRUST COMPANY	CC FEES	21.95		4561	12/12/23
BANKERS TRUST COMPANY	CC FEES	108.24	162.59	4562	12/12/23
BARCO MUNICIPAL PRODUCTS	SOLAR LIGHTS		375.00	56192	12/12/23
BITUMINOUS MATERIALS	AMIBOND		100.00	56138	11/29/23
BOB BROWN CHEVROLET INC.	TRUCK #9 REPAIRS		92.80	56193	12/12/23
BOLTON & MENK	73RD ST ENG		51,040.00	56194	12/12/23
BOOT BARN INC	CLOTHING ALLOWANCE	167.23		56139	11/29/23
BOOT BARN INC	CLOTHING ALLOWANCE	533.00	700.23	56195	12/12/23
BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES		1,131.02	56196	12/12/23
BRAVO GREATER DES MOINES INC.	1ST QTR FY24		1,178.04	56197	12/12/23
BREESE, TAMMY	NOV CELL PHONE		50.00	56140	11/29/23
BROWN, CODY	PHYSICAL FITNESS INCENTIVE		100.00	56141	11/29/23
BULLZEYE, INC	NOV CEC CLEANING		4,058.00	56198	12/12/23
CATCH DES MOINES	1ST QTR FY24 28E		1,178.04	56199	12/12/23
CENTURY LINK	TELEPHONE	231.02		56142	11/29/23
CENTURY LINK	TELEPHONE	133.55	364.57	56200	12/12/23
CINTAS	SUPPLIES		24.71	56201	12/12/23
CITY OF WEST DES MOINES	CROSSING GUARD FY23 Q3/Q4		5,457.00	56143	11/29/23
CIVIC PLUS	CIVIC PLUS ANNUAL FEES		4,543.70	56202	12/12/23
CLEARFLY	CELL PHONES		179.03	4563	12/12/23
DR ANTHONY TATMAN	MMPI FOLLOW-UP		120.00	56203	12/12/23
CRYSTAL CLEAR WATER CO.	WATER		9.99	56204	12/12/23
DES MOINES REGISTER	NEWSPAPER	39.00		56144	11/29/23
DES MOINES REGISTER	NEWSPAPER	37.00	76.00	56205	12/12/23
DES MOINES WATER WORKS	6900 SCHOOL ST		96.60	56206	12/12/23
DIAMOND VOGEL, INC	STAIN		388.13	56145	11/29/23
DINGES FIRE COMPANY	HELMET SHIELDS		140.00	56146	11/29/23
ELECTRICAL ENG.& EQUIPMENT	EQUIPMENT	703.92		56147	11/29/23
ELECTRICAL ENG.& EQUIPMENT	CH LIGHTS	144.44	848.36	56207	12/12/23
ELECTRONIC ENG. CO.	SERVICE CALL		542.50	56208	12/12/23
EVANS, JESSIE	REIMBURSEMENT PROF DEV		50.00	56148	11/29/23
FEDERAL TAX DEPOSIT	FED/FICA TAX		29,663.36	4558	12/07/23
FIRE SERVICE TRAINING BUREAU	POC ACADEMY BOOKS		760.00	56149	11/29/23
FRONTLINE PUBLIC SOLUTIONS	TRAINING TRACKER SOFTWARE		1,000.00	56209	12/12/23
GALLS INC	CLOTHING ALLOWANCE	348.48		56150	11/29/23
GALLS INC	CLOTHING ALLOWANCE	450.17	798.65	56210	12/12/23
GCMOA	DEC GCMOA		12.00	56211	12/12/23
GOODRICH, WILLIAM	NOV CELL PHONE		50.00	56151	11/29/23
GORDISH, BILL	ICE SCULPTOR		600.00	56152	11/29/23
GRAINGER	SUPPLIES		36.12	56153	11/29/23
GRIMES ASPHALT & PAVING	STREET MAINTENANCE SUPPLIES		610.50	56212	12/12/23
HAWKEYE TRUCK EQUIPMENT	REPAIRS		26.75	56213	12/12/23
HELMUTH EQUINE	CARRIAGE SERVICE		750.00	56154	11/29/23
HOTT OFF THE PRESS	NOV NEWSLETTER		1,634.43	56214	12/12/23
HQI	DUMP TRUCK REPAIRS		6,777.44	56215	12/12/23
HY-VEE ACCOUNTS RECEIVABLE	OCT PIZZA		288.90	56216	12/12/23
IA REINDEER RENTAL	REINDEER		2,000.00	56155	11/29/23

Vendor Checks: 11/28/2023-12/12/2023

Payroll Checks: 11/28/2023-12/12/2023

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK CHECK#	CHECK DATE
ICMA RETIREMENT TRUST	ICMA		420.46	4557	12/07/23
IMWCA			19,067.00	56217	12/12/23
INTERSTATE ALL BATTERY	U557 BATTERY	118.10		56156	11/29/23
INTERSTATE ALL BATTERY	BATTERY	243.60	361.70	56218	12/12/23
IOWA DEPT OF PUBLIC SAFETY	DPS IOWA SYSTEM		351.00	56157	11/29/23
IOWA DES MOINES SUPPLY	SUPPLIES		618.21	56219	12/12/23
DEPT OF HUMAN SERVICES	DEC 2023 STATE SHARE PYMT		4,062.90	56158	11/29/23
IOWA LAW ENFORCEMENT ACADEMY	EMPLOYMENT MMPI		200.00	56220	12/12/23
IOWA ONE CALL	LINE LOCATES		96.90	56221	12/12/23
IOWA POLICE CHIEFS ASSN.	ROTH DUES		125.00	56222	12/12/23
IPERS	HEALTH PRETAX		32.50	4556	12/07/23
IRLBECK, MICHAEL	FITNESS INCENTIVE		300.00	56159	11/29/23
ISOLVED BENEFIT SERVICES	FLEX CLD BENEFI		578.85	4559	12/07/23
JEO CONSULTING GROUP	CRS/CAV ASSISTANCE		1,913.75	56223	12/12/23
JOHNSON, KYLE	NOV CELL PHONE		50.00	56160	11/29/23
KOCH OFFICE GROUP	COPIER LEASE		202.22	56224	12/12/23
LARSON, ANDY	NOV CELL PHONE		50.00	56161	11/29/23
LEUTHOLD, NATE	NOV CELL PHONE		50.00	56162	11/29/23
LICHTY, PAT	SANTA		450.00	56163	11/29/23
LIFEMED SAFETY INC	ANNUAL MAINTENANCE		249.00	56164	11/29/23
LOGAN CONTRACTORS SUPPLY	SURVEY PAINT		143.84	56225	12/12/23
MEASE, JIM	NOV CELL PHONE		50.00	56165	11/29/23
MEDIACOM BUSINESS	INTERNET		570.00	56166	11/29/23
MERCY ONE CLIVE PHARMACY	MEDICAL SUPPLES		131.04	56226	12/12/23
METRO WASTE AUTHORITY	GARBAGE FEES		30,650.38	56227	12/12/23
MID IOWA PLANNING ALLIANCE	FY24 DUES		788.00	56167	11/29/23
MIDWEST WHEEL COMPANIES	REPAIRS		34.81	56228	12/12/23
MOTOROLA SOLUTIONS, INC	RADIO UPGRADE PROJECT		11.70	56168	11/29/23
MURPHY TRACTOR & EQUIP. CO.	TIRE REPLACEMENT JOHN DEERE		2,012.50	56169	11/29/23
NISSEN, ANDREW	ALLOWANCE REIMBURSEMENT		109.99	56170	11/29/23
NORRIS, CHAD	PHYSICAL FITNESS INCENTIVE		300.00	56171	11/29/23
O'REILLY AUTO PARTS	TRUCK #9 REAR BRAKES		91.75	56229	12/12/23
OPTIMAL IMAGING SUPPLIES	PRINTER INK		290.40	56230	12/12/23
OVERHEAD DOOR COMPANY	PD GARAGE REPAIR		724.00	56231	12/12/23
PHDM OCCUPATIONAL MEDICINE	POC NEW HIRE PHYSICALS		4,808.50	56232	12/12/23
PLAGGE, ADAM	NOV CELL PHONE	50.00		56172	11/29/23
PLAGGE, ADAM	END OF YEAR TRAINING	463.95	513.95	56233	12/12/23
POLICE LEGAL SCIENCES INC	PLS DEPT TRAINING		2,080.00	56234	12/12/23
PREMIER AUTOMOTIVE	553 OIL CHANGE		313.87	56235	12/12/23
PURCHASE POWER	POSTAGE		820.99	56173	11/29/23
QUALITY PEST CONTROL, INC	PEST CONTROL		100.00	56236	12/12/23
R.A.D. SYSTEMS	RAD MEMBERSHIP		75.00	56237	12/12/23
RANGEMASTERS TRAINING CTR	CLOTHING ALLOWANCE	256.72		56174	11/29/23
RANGEMASTERS TRAINING CTR	CLOTHING ALLOWANCE	42.74	299.46	56238	12/12/23
DES MOINES REGISTER	PUBLICATIONS		706.93	56239	12/12/23
RELIASTAR LIFE INS CO	NISSEN		75.00	56240	12/12/23
ROBERTS, JASON	NOV CELL PHONE		50.00	56175	11/29/23
ROETMAN, JOE	PER DIEM REIMBURSEMENT		48.64	56176	11/29/23
ROTH, PETE	NOV CELL PHONE		50.00	56177	11/29/23
SAFE BUILDING COMPLIANCE	NOV RENTAL INSPECTIONS		1,747.84	56241	12/12/23
SAM'S CLUB DIRECT	CLEANING SUPPLIES		103.37	56178	11/29/23
SCHAAL PLUMBING HEATING	STOP BOX REPAIRS		505.35	56242	12/12/23
SERVICEMASTER BY RICE	BUILDING REPAIRS		600.00	56179	11/29/23
SIMMERING-CORY, INC	CODE UPDATE DOWN PAYMENT		1,750.00	56180	11/29/23

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK CHECK#	CHECK DATE
SKERIES, SUSAN	BENCH WINDSOR WONDERLAND		75.89	56243	12/12/23
SKYLINE SALT SOLUTIONS	SALT		14,981.06	56181	11/29/23
STAPLES	PD OFFICE SUPPLIES		161.38	56244	12/12/23
STRAIT, ADAM	NOV CELL PHONE		50.00	56182	11/29/23
SWISHER, RACHELLE	NOV CELL PHONE		50.00	56183	11/29/23
TELECOM SERVICES OF IOWA	REMOTE TELEPHONE PROGRAMMING		55.00	56245	12/12/23
TOMPKINS INDUSTRIES INC.	TRUCK #5 & #6 SNOW PLOWS		282.56	56184	11/29/23
TRANSUNION RISK & ALTERNATIVE	MONTHLY CHARGES		75.00	56246	12/12/23
TRUCK EQUIPMENT INC.	REPAIRS		144.29	56247	12/12/23
UPHDM OCCUPATIONAL MED	PHYSICAL		676.00	56248	12/12/23
URBANDALE CHAMBER OF COMMERCE	SKERIES NAME BADGE		16.00	56249	12/12/23
VERIZON WIRELESS	CELL PHONES		381.63	4555	11/29/23
CAPITAL ONE	CLOTHING ALLOWANCE		364.77	56250	12/12/23
WRIGHT OUTDOOR SOLUTIONS	EXTERIOR LIGHT INSTALL		4,832.90	56251	12/12/23
			=====		
	Accounts Payable Total		226,874.36		

Payroll Checks

001	GENERAL	310.58
110	ROAD USE TAX	1,009.35
740	STORM WATER	232.93

	Total Paid On: 12/07/23	1,552.86
001	GENERAL	67,405.46
110	ROAD USE TAX	7,453.11
740	STORM WATER	1,741.09

	Total Paid On: 12/08/23	76,599.66
		=====
	Total Payroll Paid	78,152.52
		=====
	Report Total	305,026.88
		=====

**CLAIMS REPORT
CLAIMS FUND SUMMARY****Payroll Checks: 11/28/2023-12/12/2023**

FUND	NAME	AMOUNT
001	GENERAL	161,145.28
110	ROAD USE TAX	41,325.54
112	EMPLOYEE BENEFITS	19,198.67
145	URBAN RENEWAL	788.00
303	COLBY PARK	10,279.50
314	UNIVERSITY AVE ST PROJECT	4,074.00
319	2020 STREET PROJECTS	1,428.00
322	73RD STREET PROJECT	16,255.50
323	68TH ST	14,873.50
324	2023 HMA OVERLAY PROJECT	54.00
350	CAPITAL EQUIPMENT FUND	11.70
610	SEWER	88.46
670	LANDFILL/GARBAGE	30,650.38
740	STORM WATER	4,854.35

	TOTAL FUNDS	305,026.88

BUDGET REPORT

CALENDAR 11/2023, FISCAL 5/2024

PCT OF FISCAL YTD 41.6%

ACCOUNT NUMBER	ACCOUNT TITLE	TOTAL BUDGET	MTD BALANCE	YTD BALANCE	PERCENT EXPENDED	UNEXPENDED
	POLICE TOTAL	2,427,200.00	157,376.82	853,204.22	35.15	1,573,995.78
	EMERGENCY MANAGEMENT TOTAL	10,200.00	.00	7,151.09	70.11	3,048.91
	FIRE TOTAL	424,420.00	31,217.04	190,074.92	44.78	234,345.08
	AMBULANCE TOTAL	916,175.00	55,572.53	303,730.77	33.15	612,444.23
	BUILDING INSPECTIONS TOTAL	75,000.00	1,957.80	20,951.13	27.93	54,048.87
	ANIMAL CONTROL TOTAL	5,500.00	.00	2,666.00	48.47	2,834.00
	PUBLIC SAFETY TOTAL	3,858,495.00	246,124.19	1,377,778.13	35.71	2,480,716.87
	ROADS, BRIDGES, SIDEWALKS TOTA	664,984.00	40,167.14	262,533.01	39.48	402,450.99
	STREET LIGHTING TOTAL	67,000.00	3,202.77	18,372.18	27.42	48,627.82
	TRAFFIC CONTROL & SAFETY TOTAL	.00	.00	.00	.00	.00
	SNOW REMOVAL TOTAL	158,000.00	20,308.53	70,667.91	44.73	87,332.09
	OTHER PUBLIC WORKS TOTAL	29,000.00	595.11	7,122.19	24.56	21,877.81
	PUBLIC WORKS TOTAL	918,984.00	64,273.55	358,695.29	39.03	560,288.71
	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	32,781.81	32,781.81	50.00	32,782.19
	PARKS TOTAL	184,621.00	14,028.76	58,934.27	31.92	125,686.73
	COMMUNITY CTR/ZOO/MARINA TOTA	7,250.00	.00	4,644.76	64.07	2,605.24
	SPECIAL EVENTS TOTAL	40,000.00	3,808.56	32,159.66	80.40	7,840.34
	COMMUNITY CENTER TOTAL	135,400.00	5,367.78	55,140.73	40.72	80,259.27
	CULTURE & RECREATION TOTAL	432,835.00	55,986.91	183,661.23	42.43	249,173.77
	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	.00	18,707.00	93.54	1,293.00
	COMMUNITY & ECONOMIC DEV TOTA	286,372.00	.00	18,707.00	6.53	267,665.00
	MAYOR/COUNCIL TOTAL	72,700.00	3,904.84	40,050.28	55.09	32,649.72
	IT DEPARTMENT TOTAL	55,000.00	5,147.44	25,788.71	46.89	29,211.29
	CLERK/TREASURER/ADM TOTAL	818,045.00	50,769.02	322,444.19	39.42	495,600.81
	ELECTIONS TOTAL	1,500.00	.00	.00	.00	1,500.00
	LEGAL SERVICES/ATTORNEY TOTAL	65,000.00	2,445.00	16,497.05	25.38	48,502.95
	OTHER GENERAL GOVERNMENT TOTA	15,000.00	.00	.00	.00	15,000.00
	GENERAL GOVERNMENT TOTAL	1,027,245.00	62,266.30	404,780.23	39.40	622,464.77

BUDGET REPORT
CALENDAR 11/2023, FISCAL 5/2024

PCT OF FISCAL YTD 41.6%

ACCOUNT NUMBER	ACCOUNT TITLE	TOTAL BUDGET	MTD BALANCE	YTD BALANCE	PERCENT EXPENDED	UNEXPENDED
	ROADS, BRIDGES, SIDEWALKS TOTA	1,118,188.00	103,494.00	103,494.00	9.26	1,014,694.00
	PARKS TOTAL	.00	.00	.00	.00	.00
	HOUSING & URBAN RENEWAL TOTAL	406,921.00	22,860.00	22,860.00	5.62	384,061.00
		-----	-----	-----	-----	-----
	DEBT SERVICE TOTAL	1,525,109.00	126,354.00	126,354.00	8.28	1,398,755.00
	POLICE TOTAL	130,000.00	18,091.64	63,589.64	48.92	66,410.36
	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	637,888.71	1,463,776.84	9.50	13,942,092.16
	PARKS TOTAL	600,000.00	48,705.00	193,650.00	32.28	406,350.00
	COMMUNITY CENTER TOTAL	.00	.00	14,152.50	.00	14,152.50-
	IT DEPARTMENT TOTAL	22,800.00	1,500.70	1,500.70	6.58	21,299.30
	CAPITAL PROJECTS TOTAL	.00	788.00	788.00	.00	788.00-
		-----	-----	-----	-----	-----
	CAPITAL PROJECTS TOTAL	16,167,669.00	706,974.05	1,737,457.68	10.75	14,430,211.32
	WATER TOTAL	.00	.00	.00	.00	.00
	SEWER/SEWAGE DISPOSAL TOTAL	31,350.00	129.27	6,722.23	21.44	24,627.77
	LANDFILL/GARBAGE TOTAL	379,000.00	9,121.33	132,281.75	34.90	246,718.25
	STORM WATER TOTAL	292,544.00	5,017.54	39,062.88	13.35	253,481.12
		-----	-----	-----	-----	-----
	ENTERPRISE FUNDS TOTAL	702,894.00	14,268.14	178,066.86	25.33	524,827.14
	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	27,108,102.00	1,276,247.14	4,385,500.42	16.18	22,722,601.58
		=====	=====	=====	=====	=====

REVENUE REPORT

CALENDAR 11/2023, FISCAL 5/2024

PCT OF FISCAL YTD 41.6%

ACCOUNT NUMBER	ACCOUNT TITLE	BUDGET ESTIMATE	MTD BALANCE	YTD BALANCE	PERCENT RECVD	UNCOLLECTED
	GENERAL TOTAL	3,787,284.00	238,963.01	1,852,266.81	48.91	1,935,017.19
	ROAD USE TAX TOTAL	663,500.00	58,134.91	340,703.21	51.35	322,796.79
	EMPLOYEE BENEFITS TOTAL	586,530.00	18,671.24	275,953.76	47.05	310,576.24
	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	234,678.69	685,015.49	61.60	426,984.51
	TAX INCREMENT FINANCING TOTAL	1,532,443.00	22,920.61	961,541.99	62.75	570,901.01
	URBAN RENEWAL TOTAL	.00	.00	.00	.00	.00
	DEBT SERVICE TOTAL	1,531,129.00	25,956.22	432,148.10	28.22	1,098,980.90
	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 11/2023, FISCAL 5/2024**PCT OF FISCAL YTD 41.6%**

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	235.20	6,299.60	1.70	365,200.40

REVENUE REPORT

CALENDAR 11/2023, FISCAL 5/2024

PCT OF FISCAL YTD 41.6%

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	36,081.23	140,252.19	39.62	213,747.81
	STORM WATER TOTAL	375,000.00	38,149.68	159,404.73	42.51	215,595.27
	REVOLVING FUND TOTAL	.00	.00	.00	.00	.00
	TOTAL REVENUE BY FUND	=====	=====	=====	=====	=====
		23,843,535.00	673,790.79	4,853,670.11	20.36	18,989,864.89
		=====	=====	=====	=====	=====

ACCOUNT NUMBER	ACCOUNT TITLE	MTD BALANCE	YTD BALANCE
001-000-1110	CASH - GENERAL	130,986.01-	105,463.57
110-000-1110	CASH - RUT	3,700.51	181,766.92
112-000-1110	CASH - EMP BENEFIT FUND	42,282.66-	240,165.75
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	234,678.69	1,199,506.43
125-000-1110	CASH - TIF	22,920.61	966,712.83
145-000-1110	CASH - URBAN RENEWAL FUNDS	788.00-	79,599.92
200-000-1110	CASH - DEBT SERVICE	100,397.78-	311,050.59
303-000-1110	CASH - COLBY PARK	13,174.00-	162,943.45-
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	2,771.50-	46,375.64
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	40,428.93-	60,466.31-
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	11,693.50-	239,470.80
323-000-1110	CASH - 68TH STREET	582,713.78-	1,268,240.11-
324-000-1110	CASH - 2023 HMA OVERLAY	.00	15,707.55
325-000-1110	CASH - 2023 PCC PATCHING PROJ	.00	47,386.74
329-000-1110	CASH - PUBLIC SAFETY PARKING L	281.00-	615.47-
333-000-1110	CASH - DOG PARK UPDATES	35,531.00-	49,469.00
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	18,091.64-	72,938.64
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	235.20	98,738.29
350-000-1187	CASH - EQUIP REVOLVE - IT DEPT	1,500.70-	48,428.83
600-000-1110	CASH - WATER	.00	103,254.44-
610-000-1110	CASH - SEWER	129.27-	2,189.56-
670-000-1110	CASH - LANDFILL/GARBAGE	26,959.90	16,571.89
740-000-1110	CASH - STORM WATER	33,132.14	189,092.86
810-000-1110	CASH - REVOLVING FUND	.00	.00
		-----	-----
	CASH TOTAL	659,142.72-	2,600,563.65
001-000-1115	RESERVE CASH - COMM CENTER	.00	.00
		-----	-----

BALANCE SHEET
CALENDAR 11/2023, FISCAL 5/2024

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	57,914.87	2,604,861.36
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	57,914.87	13,813,780.18
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	601,227.85-	16,604,369.80



TO: Windsor Heights City Council

CC: Adam Plagge, City Administrator
Mayor Mike Jones

FROM: Nate Leuthold, Deputy City Clerk

DATE: 30 November 2023

SUBJECT: Waiving fees for the Community Center for the American Heart Association on January 17th, 2024

The American Heart Association is requesting the fees to be waived for their rental of the Windsor Heights Community Center on Wednesday, January 17th from 4:30 PM to 7 PM. Please note that the previously approved event on November 16th, 2023 was canceled; this is the rescheduled date. The Association is holding a volunteer event in which volunteers make clay earrings and write cards for female heart survivors. They would like to use the full space in the Community Center so they can use both ovens to bake the clay earrings. The fee for the rental (with the typical nonprofit discount) is \$440.00.

RESOLUTION NO. 2023-65

A RESOLUTION AUTHORIZING THE CITY OF WINDSOR HEIGHTS, IOWA TO SUBMIT AN APPLICATION FOR FUNDING FROM THE FEDERAL SURFACE TRANSPORTATION BLOCK GRANT PROGRAM (STBG) TO THE DES MOINES AREA METROPOLITAN PLANNING ORGANIZATION (MPO) FOR THE PARTIAL FUNDING OF THE CONSTRUCTION OF 73rd STREET PHASE 1 AND FURTHER APPROVING THE APPLICATION WHICH OBLIGATES THE CITY OF WINDSOR HEIGHTS TO MATCHING FUNDS FOR THE CONSTRUCTION OF SAID PROJECT

WHEREAS, the City of Windsor Heights, Iowa is a full member of the Des Moines Area Metropolitan Planning Organization; and

WHEREAS, the Federal Surface Transportation Block Grant Program provides funding to local jurisdictions for the construction of eligible projects; and

WHEREAS, the program is administered by the Des Moines Area Metropolitan Planning Organization which prioritizes and ranks all project applications.

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, IOWA THAT:

1. The City Council supports and approves the attached application for Federal Surface Transportation Program funding.
2. The City Council hereby commits the City of Windsor Heights to matching monies as required by the Federal Surface Transportation Program funding.
3. The City of Windsor Heights hereby commits to accepting and maintaining these improvements for a minimum of twenty (20) years following the completion.
4. The Mayor and City Clerk are hereby authorized to approve and execute the application on behalf of the City of Windsor Heights.

Passed and approved this 18th day of December 2023.

Mike Jones, Mayor

ATTEST:

Adam Strait, City Clerk

FFY 2028 STBG Program Application

1. **Primary Sponsor:** Windsor Heights
2. **Secondary Sponsor:** None
3. **Contact Person:** Adam Plagge
4. **Phone Number:** 515-645-6808
5. **Email Address:** aplagge@windsorheights.org
6. **Project Title:** 73rd Street Reconstruction – Phase 2
7. **Termini Description:** Center Street to University Avenue
8. **Project Description:** : The project includes a segment of 73rd Street that extends from University Avenue south to Center Street. The project includes an interchange with I-235, a creek crossing, and a rail line owned by Norfolk Southern Railway and operated by Iowa Interstate Railroad. Additionally, it is adjacent to one of the busiest bus stops in the Des Moines Area Regional Transit Authority's (DART) system. 73rd Street is a major road within Windsor Heights that connects Hickman Road, I- 235, and University Avenue. Additionally, the project shares a border with City of Clive and City of West Des Moines. The City of Windsor Heights has completed multiple efforts of public engagement, including project boards displayed at Windsor Wonderland of 1,000 attendees, project boards displayed in commonly visited public spaces, and the creation of a QR code and feedback form on the project website, to ensure as many users of the roadway are in support of the project. Based on best practices and feedback received so far, the project will include the following components:
 - A new four to eight-foot sidewalk and a concrete barrier in certain areas to ensure pedestrian safety and connectivity.
 - High visibility pedestrian crossing markings will be implemented at all intersections.
 - This project will correct the curvature near Buffalo Road and will install a raised median between the two directions of travel at certain locations.
 - Railroad crossing arms will be installed on both the shoulder of the road and within the median.
 - At the interchange with I-235, the loop ramp connecting 73rd Street southbound to the I-235 eastbound on-ramp would be realigned closer to the intersection of 73rd Street and Center Street.
 - The existing westbound off-ramp loop will be removed, so vehicles accessing 73rd Street southbound will navigate the existing loop and turn at the existing signal.
9. **Total Estimated Project Cost:** \$17,685,700
10. **Funding Request:** \$2,000,000
11. **Total Funding Secured:** \$0
12. **Source of additional funds and local match:** RUTF, GO Debt
13. **Is this project seeking funding over multiple years?** Yes.
14. **How many consecutive years will funding be requested?** 3
15. **What is the total anticipated STBG funding request over the multiple years?** \$4,000,000
16. **What is the projects LRTP number (if applicable)?** N/A
17. **Has any part of this project been started or completed?** No
18. **Has your agency previously applied for STBG funds for this project?** Yes

19. Has this project previously been awarded STBG funds? No

20. What is the TPMS number? N/A

21. The Federal Highway Administration requires STBG funds to be used towards regionally significant projects. Please describe how this project fulfills this requirement.

73rd Street is a major roadway and connector for Windsor Heights and surrounding communities. It connects two high traffic roadways – University Avenue and 8th Street in West Des Moines along with an I-235 interchange at the southern end of the corridor. Buffalo Road also ties into 73rd Street from Clive and West Des Moines. Many residents and users from neighboring communities use the businesses of 73rd Street for their groceries, shopping, access to jobs, recreation, and overall quality of life benefits. Two major regional retailers - Wal-Mart and Sam's Club use this corridor as their main access along with others (Hy-Vee, Aldi and shops in Apply Valley shopping center) use this corridor as their first and secondary access points. Not only does the roadway serve Windsor Heights businesses but also businesses located in Clive and West Des Moines located directly on the west side of the corridor (YMCA, Starbucks). Dowling Catholic High School is less than ¼ of mile to the west of the corridor that produces a significant amount of traffic.

22. Describe how this project impacts other city/county goals, plans, and projects.

Even though this project is located solely in Windsor Heights, it connects multiple communities for their daily needs, school, shopping, entertainment, and recreation. The south and west road right-of-way lines abuts 2 other communities' boundaries and those communities' commercial properties (City of West Des Moines and City of Clive).

23. Describe any work previously completed (or underway) that this project complements or is recommended in other planning studies/construction projects

This project complements the reconstruction of University Avenue and recently completed 8th Street project in West Des Moines, upcoming Phase 1 of 73rd Street Reconstruction between Hickman Road and University Avenue.

24. Expansion is considered an expensive and last resort to address congestion issues. If this is an expansion project please explain what other methods have been used to address congestion.

This project is not an expansion project but hopes to address congestion issues.

25. Describe how the land-uses adjacent to this project support the development of affordable housing.

The project is primarily located in a commercial district. It could support redevelopment with mixed use development and other development.

26. Application Category Major Reconstruction/Replacement

27. Project Type Reconstruction

28. If other, please describe.

29. Surface Type [Existing] Asphalt and Concrete

30. Surface Type [Proposed] Concrete

31. Number of travel lanes [Existing] 4
32. Number of travel lanes [Proposed] 4
33. Existing travel lane width (ft) 11-12 ft
34. Proposed travel lane width (ft) 11 ft
35. Existing total facility width (ft) 50 – 72 ft
36. Proposed total facility width (ft) 61 – 102 ft
37. Existing posted speed (mph) 35
38. Proposed posted speed (mph) 30
39. Existing median Yes
40. Describe existing median (width, plantings, etc) 3-5 ft concrete median
41. Proposed median Yes
42. Describe the proposed median (width, plantings, etc) 3-5 ft raised concrete median
43. Does the project include any of the following improvements to turning movement? [Left turn lanes] Yes
44. Does the project include any of the following improvements to turning movement? [Right turn lanes] Yes
45. Does the project include any of the following improvements to turning movement? [Center turn lanes] No
46. Does the project include any of the following improvements to turning movement? [Turning signals] Yes
47. Does the project include any of the following improvements to turning movement? [Extending turn lanes] Yes
48. Does the project include any of the following improvements to turning movement? [Roundabouts] No
49. Existing paved shoulders? No
50. Proposed paved shoulders? No
51. Existing curb radius at intersections? 20
52. Proposed curb radius at intersections? 30
53. Existing signal interconnection? No
54. Does project include improvements to signal interconnection? No
55. Existing number of access points along project length? 8
56. Proposed number of access points along project length? 8
57. Existing sidewalk width? 4 ft
58. Proposed sidewalk width? 4-8 ft
59. Number of existing pedestrian benches? 0
60. Number of proposed pedestrian benches? 0
61. Existing curb extensions? No
62. Proposed curb extensions? No
63. Existing crosswalks? Yes
64. Do current crosswalks have a raised pedestrian refuge? No
65. Proposed crosswalks? Yes
66. Do proposed crosswalks have a raised pedestrian refuge? No.
67. Number of existing bus shelters? 0
68. Is there an existing paved connection between sidewalk and bus shelter? N/A

69. Number of proposed bus shelters? 0
70. Is there a proposed paved connection between sidewalk and bus shelters? N/A
71. Number of existing on-street parking spots? 0
72. Number of proposed on-street parking spots? 0
73. How many electric vehicle charging stations does this project include? 0
74. Existing bicycle facility? Yes
75. Existing bicycle facility type? Dedicated Facility (shared-use path, like lane, buffered/protected bike lane)
76. Existing bicycle facility width? 8 ft
77. Proposed bicycle facility? Yes
78. What type of bicycle facility? Dedicated Facility (shared-use path, like lane, buffered/protected bike lane)
79. What is the width of the bicycle facility? 8 ft
80. Existing bicycle signals? No
81. Proposed bicycle signals? No
82. Existing pedestrian signals? Yes
83. Proposed pedestrian signals? Yes
84. Existing street trees? No
85. Proposed street trees? No
86. What variety of tree(s) will be planted? N/A
87. What is the spacing of street trees along the corridor (ft)? N/A
88. If the project has additional landscaping, please describe. N/A
89. Does the project improve a parallel facility or contribute to alternative routing?
90. Describe how the project improves a parallel facility or contributes to alternative routing?
63rd Street (Hwy 28) parallels on the east side of Windsor Heights. By providing a better travel way, traffic may lessen on 63rd Street.
91. Does the project use green infrastructure to manage 1 1/4 inches of rainfall? No
92. Describe how the project uses green infrastructure to manage 1 1/4 inches of rainfall? N/A
93. Does the project use traffic calming measures? No
94. Describe how the project uses traffic calming measures? N/A
95. What are the traffic counts on the segment where the project is located? 10,000 + AADT
96. When was the traffic study conducted and what were the traffic counts? 2016-2018
97. Does project cross a bridge? Yes
98. Is the bridge included on the structurally deficient/functionally obsolete list? No
99. What is the structural rating of the bridge? 8
100. Will the project include the replacement or reconstruction of the bridge? No
101. Are any of the following elements included in this project?
102. Does the project include digital infrastructure elements that serve a transportation or mobility-related function? No
103. Will the project affect digital infrastructure in the vicinity of any institutional uses or public facilities in your jurisdiction? Check all that apply: No.
104. Does this project affect or touch another jurisdiction or agency? Yes.
105. Were cross jurisdictional digital connections considered? No.

106. Does this project include engagement with DART relating to improvements to digital infrastructure that will benefit transit service? No.
107. Will the digital infrastructure systems associated with this project be interoperable with other such systems serving public infrastructure in the region? No
108. Does the project add or upgrade any of the following digital infrastructure? No
109. Intelligent Transportation System (ITS) are technologies that advance transportation safety and mobility and enhance productivity by integrating advanced communications technologies into transportation infrastructure and modes of travel. Please describe any ITS elements of this project. No
110. Please describe the overall operations and maintenance plan for this project. What agency will be responsible for ongoing maintenance and operations of the infrastructure, including digital infrastructure, and how will this be budgeted? If the project sponsor is not responsible for maintenance/operations after the project ends, please indicate responsible agency name and the status of any maintenance/operations agreements.

The City of Windsor Heights is responsible for ongoing maintenance and operations.

111. The MPO receives federal funding and may not discriminate against anyone on the basis of race, color, or national origin, according to Title VI of the Civil Rights Act of 1964. By applying to receive these funds the applicant is acknowledging that they understand and adhere to the principles of Title VI when performing activities related to the funding they receive from the Des Moines Area Metropolitan Planning Organization. Agree
112. To the best of my knowledge all information included in this application is true and accurate, including the commitment of all design features, physical and financial resources. This application has been duly authorized by participating local authority(s). I understand the FORMAL RESOLUTION binds the participating local governments to provide the required matching funds, design features according to those listed in the application and to assume responsibility for adequate maintenance of any new or improved facilities. I understand that, although this information is sufficient to secure a commitment of funds, an executed contract between the applicant and the Iowa Department of Transportation is required prior to the authorization of funds. Agree
113. A GIS shapefile has been sent to the MPO Yes
114. An executed city resolution has been emailed to the MPO Yes.
115. If proposed project is on an existing or future DART transit line, has a letter of review from DART been emailed to the MPO Yes.
116. Additional information you would like to share?



Staff Report

To: Mayor and City Council
From: Adam Plagge, City Administrator
Date: December 18th, 2023
Subject: Zoning Code Update

GENERAL INFORMATION

There is one proposed update to the Ordinance for the third reading, adding in a definition for Personal Services which was missed in transition to the new zoning code.

Personal Services - Personal Services. Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry-cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

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

166.03 Definition of Terms

166.02 General Construction of Language

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. “Alley” means a public right-of-way which is used as a secondary means of access to abutting property.
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.
11. “Amateur Radio Tower” means a structure for the transmission or broadcasting of electromagnetic signals by FCC-licensed amateur radio operators.
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.
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.
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.
15. “Automotive and Equipment Services” 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. 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.

- 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.
 - 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.
 - 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.
 - 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.
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.
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.
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.
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.
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.
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.

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.
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.
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.
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.
26. “BUG” means a luminaire classification system that classifies backlight (B), uplight (U), and glare (G).
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.
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.
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.
30. “Building Coverage” means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
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.
32. “Building Line” means the outer boundary of a building established by the location of its exterior walls.
33. “Building Marker” means an historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
34. “Building Official” means the designee of the City Council, responsible for the enforcement of Chapter 155 of this Code of Ordinances.
35. “Business” means activities that include the exchange or manufacture of goods or services on a site.
36. “Caliper” means the diameter of a tree trunk. Usually used for trees less than 12 inches in diameter.
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.
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.

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.
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.
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.
42. "Change of use" means the replacement of an existing use by a new use.
43. "Clearance" means the distance from the bottom of a sign face elevated above grade and the grade below.
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.
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.
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.
47. "Common Area" means an area held, designed, and designated for common or cooperative use within a development.
48. "Common Development" means a development proposed and planned as one unified project not separated by a public street or alley.
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.
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.
51. "Comprehensive Plan" means the duly adopted Comprehensive Development Plan of the City to address future growth and development.

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.
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:
- a. there is no increase in the overall density permitted for a conventional subdivision in a given zoning district; and
 - b. the remaining land area is used for common space.
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.
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.
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.
57. “Court” means an approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:
- a. Serves 12 or fewer housing units or platted lots.
 - b. Does not function as a local street because of its alignment, design, or location.
 - c. Is completely internal to a development.
 - d. Does not exceed 600 feet in length.
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.
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.
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:
- a. The use of hand tools, or
 - b. The use of domestic mechanical equipment not exceeding 2 horsepower, or
 - c. A single kiln not exceeding 8 KW or equivalent.

61. “Curb” means a stone, concrete, or other improved boundary marking the edge of a road or other paved area.
62. “Curb Line” means a line, whether curbing exists or not, which is the edge of the pavement or shoulder.
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.
64. “Deck” means an unroofed platform, unenclosed except by a railing, which is attached to the ground and/or another structure.
65. “Density” means the amount of development per specific unit of a site.
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.
67. “Drive-In Services” means uses which involve the sale of products or provision of services to occupants in vehicles.
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.
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.
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.
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.
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.
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
74. “Enclosed” means a roofed or covered space fully surrounded by walls.
75. “Extended Stay Hotel or Motel” see “Lodging.”
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.
77. “Family” means one or more persons occupying a single dwelling unit, related by blood, marriage, domestic partnership, adoption, or other custodial arrangement.
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.
79. “Federal” means pertaining to the Government of the United States of America.
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.
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.
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](#).
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.
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.
85. “Frontage” means the length of a property line of any one premise abutting and parallel to a public street, private way, or court.
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.
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.
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.
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.
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.
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.
92. “Glare” means lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
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.
- 94. “Groundcover” means vegetation that helps in stabilizing the soil such as vines, turf, low growing shrubs, and perennials.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

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.
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.
- a. 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.
 - b. 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.
105. “Hotel” see “Lodging.”
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.
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.
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.
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.
110. “Industry Standard Lighting Software” means lighting software that calculates point-by-point illuminance that includes reflected light using either raytracing or radiosity methods.
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.
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.
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.
114. “Landscape Lighting” means lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.
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.
116. “LED” means Light Emitting Diode.
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.
118. “Lighting” means “electric,” “man-made,” or “artificial” lighting. See “Lighting Equipment.”
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.
120. “Lighting Zone” means a lighting category establishing legal limits for lighting for particular parcels, areas, or districts in a community.
121. “Light Trespass” means light that falls beyond the property it is intended to illuminate.
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.
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.
124. "Illumination" means lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
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.

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.
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.
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.
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.
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.
131. "Lot Area" means the total horizontal area within the lot lines of a lot.
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.
- 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.
 - 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).
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.

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.
143. “Mixed-Use Development” means a single development which incorporates complementary land use types into a single development.
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.”
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.
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.
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.
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.
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.
164. “Paved” means permanently surfaced with poured concrete, concrete pavers, masonry units, brick, or asphalt.
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.
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.

- 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.
- 168.
- 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.
- 170. “Personal Services” means establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry-cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- 171. “Photoelectric Switch” means a control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.
- 172. “Planning Commission” means the Planning and Zoning Commission of the City, as authorized pursuant to Chapter 414 of the Code of Iowa.
- 173. “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.
- 174. “Plaza” means a public square or an open space.
- 175. “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.
- 176. “Postal Facilities” means postal services, including post offices, bulk mail processing, or sorting centers operated by the United States Postal Service.
- 177. “Premises” means a lot, parcel, tract, or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
- 178. “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.
- 179. “Primary Building Frontage” means the building frontage that is most accessed by patrons or users of the building.
- 180. “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.
- 181. “Property Line” see “lot line.”
- 182. “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.
183. “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.
184. “Regulation” means a specific requirement set forth by this Zoning Code which must be followed.
185. “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.
186. “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.
187. “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.
188. “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.
189. “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.
190. “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.
191. “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.
192. “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.
193. “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.
194. “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.
195. “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.
196. “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.
197. “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.

198. “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.
199. “Setback” means the distance, as required by the minimum setback, which establishes the horizontal component of the building envelope.
200. “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.
201. “Shrub” means a small woody plant generally less than 12 feet in height that is either deciduous or evergreen.
202. “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.
- 203. “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.
- 204. “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.
- 205. “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.
- 206. “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.
- 207. “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.
- 208. “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.
- 209. “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.
- 210. “Street, Local” means a street which is used primarily for access to the abutting properties.
- 211. “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.

212. “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.
213. “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.
214. “Structure” means any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.
215. “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.
216. “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.
217. “Time Switch” means an automatic lighting control device that switches lights according to the time of day.
218. “Tower Height” means the height above grade of the fixed portion of the tower, excluding the wind turbine itself.
219. “Total Extended Height” means the height above grade to a blade tip at its highest point.
220. “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.
221. “Translucent” means allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).
222. “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.
223. “Truck Terminal” means a facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.
224. “Unshielded Luminaire” means a luminaire capable of emitting light in any direction including downwards.

225. “Uplight” means for an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.
226. “Use” means the conduct of an activity or the performance of a function or operation on a site or in a building or facility.
227. “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.
228. “Vertical Illuminance” means illuminance measured or calculated in a plane perpendicular to the site boundary or property line.
229. “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.
230. “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.
231. “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.
232. “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.
233. “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.
234. “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.)

DRAFT

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 Administer. 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 much be below 60 square feet.

2. Each sign may have a maximum size area of 30 square feet.
4. Cleanliness.
 - a. 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.
 - b. 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.
 - a. 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.
 - a. 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.
 - b. 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.
 - c. 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
	172.14 Building Façade
	172.15 Parkland Dedication

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 MOBLIE 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 in complete conformance with 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 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
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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 BUILDING FAÇADE

1. Applicability. Except as described below, all façade requirements and materials are to be subject to their respective zoning requirements as listed by the zoning district design regulations.
2. Façade Material. All building façade materials that face the primary street will 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
 5. Any other information requested by City Staff, Planning & Zoning Commission, or City Council
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.
 - C. Façades not street facing may use Grade A and/or Grade B materials for those façades.
 - 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.
 - 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.
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.

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.
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:

Land Use Type (Unit)	Individuals Per Residential Living Unit
Dwelling, Single-Unit	2.5 Individuals
Dwelling; Two, Three, or Four Unit; Townhouse,	2.0 Individuals
Dwelling; Apartment or Live-Work Unit	1.5 Individuals
Manufactured or Mobile Home	1.5 Individuals

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:

$$(\text{number of units}) \times (1.5 \text{ individuals/unit}) \times (.005 \text{ acres/individual})$$

In this example, the developer would be required to dedicate at least 0.9375 acres of public parkland within the proposed development.

$$125 \text{ Units} \times 1.5 \times .005 = 0.9375 \text{ acres}$$

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 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¢
Arborvitae – 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¢
Densiformus 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'	
Densiformus 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 ‘Parrisi’	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 'Strawbery 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

174.03 Pedestrian Connectivity

174.04 Schedule of Off-Street Parking Requirements

174.05 Short-Term Bike Parking

174.06 Long-Term Bike Parking

174.07 Parking Facility Location

174.08 Parking for People with Disabilities

174.09 Off-Street Parking Design Standards

174.10 Off-Street Loading

174.11 Parking for Personal Vehicles

174.12 Parking for Recreational Vehicles

174.13 Storage and Parking of Unlicensed Vehicles

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 174.04. 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 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 square feet
Restaurants (General)	1 space per 350 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

176.02 Regulations Additive

176.03 Nonconforming Lots

176.04 Nonconforming Structures

176.05 Nonconforming Uses

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 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 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-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, Ankeny, Urbandale, Norwalk, Grimes, Altoona, Pleasant Hill, 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, unless it is operating as part of a multi-day special event and has approval from the City Administrator.

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 20th day of November , 2023.

Passed and approved 2nd Reading on this 4th day of December 2023.

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

(SEAL)

Mike Jones, Mayor

ATTEST: Adam Strait, City Clerk

UPDATED VERSION ~~12/6/21~~12/13/2023



WINDSOR HEIGHTS- COMMUNITY EVENT CENTER -GUIDELINES & INFORMATION

For more information please call:
515-645-~~6819~~6826

Facility Hours

7 a.m. – Midnight, 7 days a week.

Maximum occupancy

Maximum occupancy is ~~200~~218 people (200 seated).

Confirming a Reservation

Three things are required to confirm a reservation:

1. A completed Facility Use and Alcohol Responsibility Agreement (available online and at City Hall)
2. Rental Deposit:
 - a. 50% of total rental amount if booking an event more than 60 days away
 - b. ~~Full payment is required~~ 100% of total rental amount if booking an event that is taking place within 60 days.
3. A credit card number to keep on file for ~~the damage deposit~~ damages or additional cleaning

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Payment

Payment can be made in the following ways:-

- by credit card on our website at www.cityofwindsorheights.org
- by credit card over the phone at 515-645-~~6819~~6826
- at City Hall (1145 66th Street, Suite 1, Windsor Heights, IA 50324) by cash, check, or credit card.

Cancellations

Refunds are only granted under extenuating circumstances after approval by the City Administrator.—

Cleaning and Damages

The Community Event Center must be left in the condition that it was found. Failure to do so will result in charges equal to the cost of repairs and/or cleaning charges, at a minimum of \$325.00.

Alcohol

- No hard liquor is allowed in the facility.
- An off-duty Windsor Heights Police Officer ~~is required to~~must be present for the ~~event~~time that alcohol is served (3 hour minimum). Payment for the off-duty officer must be made directly to the officer by means of personal check 30 days prior to the event. An invoice will be sent by the Windsor Heights Police Officers Association 60 days prior to the event.
- No cash bar service is allowed in the Community Event Center. All alcohol must be free to guests.

Catering

There are no restrictions on catering.

A/V Equipment

The following equipment is available in the space: a projector and screen, wireless microphones, an ~~auxiliary port, and~~ HDMI port, Bluetooth and ~~VGA cords~~ full sound system.—

Waiver of Fees for Community Events

~~Fees may be waived by~~ The Windsor Heights City Council may waive fees for events in the Community Event Center on a special case basis for non-profit organizations. This is at the sole discretion of the Council; no fee waivers will be approved by city staff. Please coordinate these requests with city staff at least 30 days prior to the rental date. Organizations are limited to 2 waivers per calendar year. Our Cleaning and Damages policy is still in effect; damages or additional cleaning may incur fees equal to the damages and/or the cleaning fee (\$325.00 minimum).

Minimum Rental Times

Full day on Saturdays; 2 hours on all other days.—

Furniture included with rental

- 20 – 72” round tables
- 200 chairs
- If it is in the facility, it is available to use.—

Overnight Storage

No overnight storage of equipment or personal items will be allowed, except for rentals booked Friday evening to Saturday. Any items left in the facility will be disposed of.—

Holdover Fees

Renters must exit the facility prior to the reservation end time. Failure to do so will result in holdover fees equal to 1.5x the hourly rental rate per additional hour. Partial hours are rounded up.

Kitchen Information

There are two kitchens in the facility—~~A: a catering kitchen and a concession kitchen. Both are available for use if when you rent the full space. Only the catering kitchen is available when renting the 2/3 space. Only the concession kitchen is available when renting the 1/3 space.~~—

Decoration Guidelines

Time needed to set up and take down decorations must be included in the rental ~~fee~~.

- All decorations must be completely taken down at the end of the rental period.
- We encourage renters to use command hooks and 3M strips.
- The following are prohibited:
 - Tape (painter’s tape is acceptable)
 - Thumbtacks
 - Nails
 - Open flames (unenclosed table candles)
 - Rice

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- Fog machines
- Fireworks
- Glitter
- Confetti
- Silly string

Pavilion

The city offers the pavilion on the southwest side of Colby Park for rent. There are electrical outlets and lights within the pavilion, but no AV system. The same guidelines and policies for the Community [Event](#) Center apply to the pavilion.

Community Event Center Rental Rates		
	Non-Resident Rate	Resident/Non-Profit Rate (Proof will be required)
Saturday 7 am – Midnight	\$2,800	
1/3 Space Minimum 2-hour rental	\$130 per hour	\$112 per hour
2/3 Space Minimum 2-hour rental	\$155 per hour	\$132 per hour
Full Space Minimum 2-hour rental	\$210 per hour	\$176 per hour
Pavilion 8-hour rental	\$100	\$75
Pavilion 4-hour rental	\$50	\$37.50

UPDATED VERSION ~~12/6/21~~12/13/2023



For more information please call:
515-645-~~681~~96826

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7 a.m. – Midnight, 7 days a week.

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 - b. ~~Full payment is required~~ 100% of total rental amount if booking an event that is taking place within 60 days-
3. A credit card number to keep on file for ~~the damage deposit~~ damages or additional cleaning

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The following equipment is available in the [full or 2/3](#) space: a projector and screen, wireless microphones, an ~~auxiliary port, and~~ HDMI [port, Bluetooth](#) and ~~VGA cords~~ [full sound system](#).—

Waiver of Fees for Community Events

Fees may be waived by the Windsor Heights City Council for events in the Community [Event](#) Center on a special case basis for non-profit organizations. This is at the sole discretion of the Council; no fee waivers will be approved by city staff. Please coordinate these requests with city staff [at least](#) 30 days prior to the rental date. [Our cleaning policy is still in effect; damages or additional cleaning may incur fees equal to the damages and/or the cleaning fee \(\\$325.00 minimum\).](#)

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Full day on Saturdays; ~~3~~ 4 hours on all other days.-

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 - Nails
 - Open flames (unenclosed table candles)
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 - Fog machines

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- Glitter
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Pavilion 8-hour rental	\$100	\$75
Pavilion 4-hour rental	\$50	\$37.50

Resolution No. 2023-67

**A RESOLUTION APPROVING UPDATING THE CEC GUIDELINES &
INFORMATION FOR THE CITY OF WINDSOR HEIGHTS, IOWA**

WHEREAS, the City of Windsor Heights, Polk County, Iowa, City Council has reviewed the proposed policy guidelines and information as attached and determined they are appropriate for continuing the delivery of high-quality services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Windsor Heights, Iowa, on this 18th day of December, 2023, that the attached Guidelines and Information are hereby approved and in effect January 1st 2024.

Passed and Approved this 18th day of December, 2023

Mike Jones, Mayor

Attest: _____
Adam Strait, City Clerk



Staff Report

To: Mayor and City Council
From: Adam Plagge, City Administrator
Date: December 18th, 2023
Subject: Annual Fee Update

GENERAL INFORMATION

Fees for building, mechanical, and plumbing permits, certificates of zoning compliance/verifications, site plan reviews, appeals, and other matters pertaining to the Building and Zoning Codes and Hazmat services are approved by Resolution of the City Council. The attached fee schedule updates the 2022 fee schedule currently in place and is proposed by staff to take effect January 1st, 2024.

Department heads, contract organizations such as Safe Building, Brick Gentry, The Fire Marshal, and BMI were consulted to arrive at recommended fees. The proposed fee schedule is intended to be compliant with state law and generally be in alignment with actual administration costs to produce the request or permit. Fees of other municipalities in the metro and whether charging the full cost of administering a permit would substantially discourage requesting a permit were also taken into consideration.

Some key fee additions and updates are as follows:

1. Convenience fees were eliminated throughout the fee schedule as credit card transaction fees are now incorporated across all fees.
2. Public Records requests and copies: To ensure compliance with state law restricting fees to actual costs for copies and producing and supervising documents, fees were reduced in some instances.
3. Panhandling was removed from the peddler, solicitor and transient merchant fee.
4. Rental inspection fees: Increase in fees from \$80 to \$100 Single Family. \$120 to \$125 for Duplexes, plus \$25 per additional living units beyond two. \$150 Apartment, plus \$22 per additional living unit beyond four.
Safe Building now conducts rental inspections on behalf of the city. Windsor Heights' Firefighters conduct administrative tasks and mailing of inspection letters, and City Hall staff takes payment. Safe Building fees are \$80 for an initial inspection, \$40 for each additional inspection, and \$20 for each inspection of an apartment. The attached fee schedule better reflects Safe Building's charges to the City and City staff's time for issuance of these permits. 1-2 family units are inspected every 18 months and multi-family units 12 months. A proposal to extend the duration between inspections for rental units that pass on the first inspection will be brought to Council in 2024.
5. Ambulance fees now include fees for frequently used medications per the suggested medication list from Omnibilling, our medical billing agent.
6. Sub-Contractor Permits: Increase from \$75 to \$80. These are some of our more frequently requested permits. Mechanical, plumbing and now electrical inspections are all now completed

by Safe Building at a charge to the city of \$75 per permit which allows each sub-category of permit to be consolidated; the city processes payment and manages some applicant inquiries related to these permits.

7. Conditional Use Permits (CUP) and Variance BOA Requests are recommended to increase from \$300 to \$400. Most of the work associated with a Conditional Use Permit and Variance requests is currently handled by Bolton and Menk at a minimum charge of \$110 per hour. There was Council discussion and research regarding CUP and Variance requests fees in 2019 which estimated a minimum of ten hours per these types of request to a maximum of 31 hours. Fees were increased at that time from \$200 to \$300. The proposed 2024 fee of \$400, will continue to apply a cost to the applicant that is significantly less than the amount of time needed to process the application and bring the item to the Board of Adjustment.
8. Zoning verification and zoning compliance letters: Increase from \$40 per hour to \$110 per hour. This reflects the minimum hourly rate the city is charged for these services and divergence in the amount of time any particular request might take.
9. Fence and Pool permits are recommended to be increased from \$30 and \$25 respectively, to \$100 each to better reflect the amount of time Safe Building spends inspecting these permits at their hourly rate of \$75 per hour. Note this would place Windsor Heights relatively higher than other Communities: Des Moines \$75, West Des Moines \$44, Johnston \$40.
10. The Community Event Center Rate & Fee: No change to hourly fee for full space or pavilion. Staff reviewed similar facilities and found the current rate to be competitive.
 - a. Staff Recommended Proposal (A): Require full space rental
 - i. \$352 for 2-hour minimum at the resident rate covers the cleaning cost (\$325).
 - ii. This effectively eliminates the 1/3 and 2/3 rental options
 - b. Alternative Proposal: Minimum 3-hour rental
 - i. \$336 for 3-hour minimum at the resident rate (1/3 space) covers the cleaning cost (\$325).
 - ii. This option retains the 1/3 and 2/3 space options. If we go this route, Nate will speak with Bullzeye to see if we can reduce costs for cleaning the 1/3 or 2/3 space (rather than flat \$325 every time).
 - c. The latest CEC Guidelines/Information
 - i. Updated phone numbers/contact info
 - ii. Corrected max occupancy
 - iii. Updated A/V Equipment section to match our recent updates
 - iv. Updated Cleaning section to include damages and cleaning fees if cleaning is not done properly. Added clause in the Waiver of Fees for Community Events section that the Cleaning section policy is in full affect, and that misuse may incur fees
 - v. Added section regarding holdover fees. If someone stays past their confirmed time, we will charge 1.5x their hourly rate per hour (partial hours rounded up)
 - vi. Cleaned up some phrasing/made document more consistent
11. Ball field rental: The ball field rental rates were last adjusted in 2017-2018. The 2024 fee schedule proposes a slight increase across the board to \$30 for 1 hour, \$50 for two hours and \$65 for three hours for non-residents with a \$5 discount for residents. Fees for ballfield rental across the metro vary widely.

The 2022 fee schedule is also attached for reference.

EFFECTIVE 1/1/22



FEE SCHEDULE

Public Safety

REPORTS, COPIES, CD'S, TESTS & RELEASES

Public Records	\$5.00 for 5 single-sided pages or less
Each additional page	\$0.25 per single page (Black and White) \$.50 per single page (Color)
Local Records Check	\$5.00 per inquiry
CD's or DVD's	\$20.00 per reproduction
Digital Mediums or Blue-Ray Disc	Cost of medium

Photograph(s)	Copied 4 photographs per page
Fingerprinting per card	\$20.00
Vehicle Impound Release	\$20.00
Alternate Breath Test	\$30.00
Convenience Fee (credit card transaction)	\$2.50
PET LICENSE	
Pet License – spayed/neutered	\$20.00 per calendar year
Pet License – not spayed/neutered	\$30.00 per calendar year
Pet Unlicensed Delinquency Fee	Double original license fee (after March 31)
PERMITS	
Dance Hall Inspection Fee	\$50.00
Dance Hall Permit Fee	\$100 (inspection fee is credited to permit fee)
Temporary Noise Permit Fee	\$20.00 per day
Panhandler, Peddler, Solicitor, Transient Merchant Fee	\$20.00 application fee 1 Day - \$20.00 1 Week - \$100.00 90 Day - \$500.00 \$25.00 per each additional peddler, etc.

Fire Department

Rental Fees

Rental Registration Fee (*Additional inspection fees required to be paid at time of inspection)	\$35 - Single Family \$50 - Duplex \$150 Apartment
Additional Fee if Owner Cannot be identified/reached and City must research and contact current tenant	\$25.00

Fire Dept Plan Review (\$110 minimum, or per the following schedule)

The Windsor Heights Fire Department may require plan reviews to be conducted by a third party. For additional information see https://www.windsorheights.org/plan_review. Fees for any required third party review are not included within the City fee schedule listed below.

100-6,000 sq. ft.	\$110.00
6,001-12,000 sq. ft.	\$218.00
12,001-24,000 sq. ft.	\$327.00
24,001-50,000 sq. ft.	\$453.00
50,001-100,000 sq. ft.	\$546.00
100,001-500,000 sq. ft.	\$1,093.00
500,001-1,000,000 sq. ft.	\$1,639.00
1,000,000 sq. ft. and above	\$1,639.00 + \$110.00 for every 6,000 sq. ft. above 1,000,000

Commercial/ Fire Code

Initial Inspection	\$0
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First Re-Inspection (performed 30 days after initial inspection)	\$25.00
Second Re-Inspection (performed 2 weeks after first re-inspection)	\$100.00
Third Re-Inspection (performed 2 weeks after second re-inspection)	\$200.00

Fourth Re-Inspection (performed 2 weeks after third re-inspection)	\$400.00
Fifth Re-Inspection (performed 2 weeks after fourth re-inspection)	\$800.00

Hazmat Fees

Heavy Response Apparatus with 4 personnel (Engine, ladder, heavy rescue)	\$300.00
Light Response Apparatus with 2 personnel (Tanker, brush truck, ambulance, staff car)	\$240.00
Extra Response Personnel	\$24.00
Expendable materials (foam, containment booms, sand, absorbent, etc.)	Replacement Cost including shipping

*Minimum of one hour. Billed in 15-minute increments beyond the first hour

Ambulance Fees

Basic Life Support (BLS) - Non-Emergent	\$590.00
Basic Life Support (BLS) - Emergent	\$695.00
Advanced Life Support (ALS) Non-Emergent	\$690.00
Advanced Life Support (ALS) - Emergent	\$807.00
Advanced Life Support (ALS) Level 2	\$1,065.00
Treat / No Transport	\$277.00
Critical Care Transport	\$1,254.00
Loaded Mileage Rate	\$13.80
Nitrous Oxide	\$50.00
Oxygen	\$30.00
Additional Attendant	\$50.00
ALS Supplies	\$50.00
BLS Supplies	\$50.00
IV Supplies	\$35.00
Intubation Supplies	\$25.00

City Hall

Copies	8 1/2 "x 11" Black and White \$0.25 per single page copy 8 1/2 "x 11" Color \$0.50 per single page copy 11" X 17" Black and White \$1.00 per single page copy 11" X 17" Color \$2.00 per single page copy
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Hourly rate for contract staff time or City Staff needed to produce or review documents	Actual cost(s) of employee time if time involved exceeds fifteen (15) minutes
Audio CD's	\$20.00 per reproduction
NSF Check Fee (All Departments)	\$30.00
Convenience Fee (Credit Card Transaction)	\$2.50
Special Council Meeting	\$59 per Council member
Special Events Vendor Fee	\$100 Single Space \$150 Double Space
Parklet Rental Fee	\$350 per month

BUILDING PERMITS	
TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$22.00
\$501.00 to \$2,000.00	\$50.00 for the first \$500.00 + \$.275 for each additional \$100.00 or fraction thereof, to and including \$2,000
\$2,001.00 to \$25,000.00	\$75.50 for the first \$2,000 + \$12.50 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,000.00 to \$50,000.00	\$361.00 for the first \$25,000 + \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000
\$50,000.00 to \$100,000.00	\$586.25 for the first \$50,000.00 + \$6.25 for each additional \$1,000.00 or fraction thereof, to and including \$100,000
\$100,000.00 to \$500,000.00	\$900.00 for the first \$100,000.00 + \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000
\$500,000.00 to \$1,000,000.00	\$2,900.00 for the first \$500,000.00 + \$4.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000
\$1,000,000.00 and up	\$5,023.50 for the first \$1,000,000.00 + \$2.75 for each additional \$1,000.00 or fraction thereof
Re-inspection fees	\$42.00/hour (1-hour minimum)
Commercial Plan Review	65% of permit fee
Temporary Certificate of Occupancy	\$250
Final Site Plan Review	\$250.00 + 65% of total building permit fee
SUB-CONTRACTOR PERMITS (RESIDENTIAL)	
Mechanical	Flat Fee \$75.00
Plumbing	Flat Fee \$75.00
SUB-CONTRACTOR PERMITS (COMMERCIAL)	
Mechanical	Basic Fee \$75.00
▪ Furnace or heater	\$20.00
▪ Air conditioner	\$20.00
▪ Water heater	\$20.00
▪ Appliance vent	\$20.00
▪ Boiler	\$20.00
▪ Ventilation fan	\$20.00
▪ Fireplace or solid fuel burning appliance	\$20.00
▪ Gas Piping (per outlet)	\$20.00
▪ Hood	\$20.00

Plumbing	Basic Fee \$75.00
▪ Street excavation	\$20.00
▪ Sewer service line and Water Service Line	\$20.00
▪ Grease Traps	\$200.00
▪ Storm sewer service	\$20.00
▪ other	\$20.00
Gas piping (per outlet)	\$20.00
Backflow preventer	\$20.00
OTHER PERMITS	
Nuisance Abatement	
▪ R-O-W mowing	\$100.00/hour (1 hour minimum)
▪ Lot mowing	\$175.00/hour (1 hour minimum)
▪ Sidewalk snow removal	\$1.00 per lineal foot; or minimum \$100.00
Zoning verification/Property Research	\$ 40.00/hr.
Rezoning	\$400.00
Zoning compliance	\$ 40/hr.
Home occupation	\$25.00
Preliminary Site Plan Review	\$250.00 + Other Engineer Costs
Conditional Use Permit	\$300.00
Appeal or Variance request	\$300.00
Fence permit	\$30.00
Pool permit	\$25.00
Signs	Basic Fee \$50.00+ \$1.00 per square foot
▪ Temporary signs	Basic Fee \$15.00 + \$1.00 per square foot
Grading Permit	\$35.00
Temporary Use	\$25.00/month for up to 4 months; \$50.00/month for the 5 th month; \$100.00/month after 5 th month
Temporary Structure	
▪ Commercial	\$50.00/month
▪ Residential	First 30 days- \$0; Second 30 days- \$20.00, Third 30days- \$40.00; thereafter- \$20.00 per 30-day extension
Sidewalk / Driveway approach	\$30.00
R-O-W Excavation	\$100.00
Non-Franchise Utility License	\$400.00
Demolition/Raze	\$50.00
Permits or inspections for which no fee is specified	\$35.00
Temporary Obstruction Permit	\$30.00
Temporary Use	
Maximum 4 days	\$25.00

Events longer than 4 days (produce stands, etc.)	\$52.00
Long-term food and beverage	\$280.00
Garden Centers and Large Structures	\$52.00 plus \$500.00 deposit
Mobile Food Unit License	\$75.00
Mobile Food Unit Special Occurrence Permit	\$25.00
CODE ENFORCEMENT	
Notice to Abate	\$95.00
Re-Inspection	\$95 per inspection
Administrative Hearing	\$0
Preparation of Abatement Warrant	\$378
Abatement	Actual cost-plus 30%
Cost of imposing lien	\$82 plus County charge if any
Additional staff administrative time not covered above	\$95/hour plus actual costs for code enforcement and \$82/hour plus actual costs for finance employees

Community & Events Center Rates & Fees

	Non- Resident Rate	Resident/Non-Profit Rate
Saturday 7 am – Midnight	\$2,800	
1/3 Space Minimum 2 -hour rental	\$130 per hour	\$112 per hour
2/3 Space Minimum 2-hour rental	\$155 per hour	\$132 per hour
Full Space Minimum 2-hour rental	\$210 per hour	\$176 per hour
Pavilion 8-hour rental	\$100	\$75
Pavilion 4-hour rental	\$50	\$37.50

Resident/Non-Profit will be required to show proof of residency or non-profit status.

DOWN PAYMENTS

To confirm all reservations, a down payment of 50% and signed agreement are required. Windsor Heights does not hold dates and all rentals are on a first come basis only. Down payments are non-refundable on any cancellation.

PARKS

BALL FIELD RENTALS

Ball Field rentals are available in full one hour increments only. A 7% sales tax will be applied.

	Number of Hours	Non-Resident Fee	Resident Fee (with ID)
	1 Hour	\$25.00	\$20.00
	2 Hours	\$40.00	\$36.00
	3 Hours	\$60.00	\$54.00

PAVILION

- \$50.00 for 4-hour rental
- \$100 for 8-hour rental

SPECIAL EVENTS PERMIT \$50.00

Required on events hosted in the Community Center and Park, which are open to the public

City of Windsor Heights
Fee Schedule
Effective 01/01/2024

Public Safety	
REPORTS, COPIES, DIGITAL MEDIA, TESTS & RELEASES, PERMITS	
Copies - Public Records	Black/white \$.05 per single page copy in excess of 5 pages Color \$.50 per single page copy
Incident Report or Call for Service (CFS)	No charge < 30 minutes to produce
Accident Report	\$5.00
Media (audio/video)	No charge < 30 minutes to produce
Vehicle Impound Release	\$20.00
Hourly rate for contract staff time or City Staff needed to produce or review documents	Actual cost of employee time if time involved exceeds thirty (30) minutes
Fingerprinting per card	\$20.00
Mailing or shipping a record	Billed at actual costs
PET LICENSE	
Pet License – spayed/neutered	\$20.00 per calendar year
Pet License – not spayed/neutered	\$30.00 per calendar year
Pet Unlicensed Delinquency Fee	Double original license fee (after April 1)
Disposition of Impounded Animal Fee	\$100
PERMITS	
Dance Hall Inspection Fee	\$50.00
Dance Hall Permit Fee	\$100 (inspection fee is credited to permit fee)
Temporary Noise Permit Fee	\$20.00 per day
Peddler, Solicitor, Transient Merchant Fee	\$20.00 application fee 1 Day - \$20.00 1 Week - \$100.00 90 Day - \$500.00 \$25.00 per each additional peddler, etc.

Fire Department	
Rental Fees	
Rental Registration Fee (*Additional inspection fees required to be paid at time of registration)	\$35 - Single Family \$50 – Duplex \$150 Apartment
Rental Inspection Fee	\$100 Single Family Inspection \$125 Duplex -\$25 per additional living unit beyond two \$150 Apartment - \$22 per additional living unit beyond four If a property fails initial inspection, additional fees for the reinspection will apply and will be collected by the building inspector at the time of reinspection
Additional Fee if owner cannot be identified/reached and City must research and contact current tenant	\$50.00
Fire Dept Plan Review	
The Windsor Heights Fire Department requires Fire Protection System plan reviews to be conducted by a third party. Fees for any required third party review are not included within the City fee schedule.	

Commercial/ Fire Code	
Initial Inspection/First Re-Inspection (performed 30 days after initial inspection)	\$0
Second Re-Inspection (performed 2 weeks after first re-inspection)	\$100.00
Third Re-Inspection (performed 2 weeks after second re-inspection)	\$200.00
Fourth Re-Inspection (performed 2 weeks after third re-inspection)	\$400.00
Fifth Re-Inspection (performed 2 weeks after fourth re-inspection)	\$800.00
Hazmat Fees	
Heavy Response Apparatus with 4 personnel (Engine, ladder, heavy rescue)	\$361.20*
Light Response Apparatus with 2 personnel (Tanker, brush truck, ambulance, staff car)	\$288.96*
Extra Response Personnel	\$28.38*
Expended materials (foam, containment booms, sand, absorbent, etc.)	Replacement Cost including shipping
*Minimum of one hour. Billed in 15-minute increments beyond the first hour. This fee schedule is based on Iowa Fire Service Annual Hazardous Materials Responses Fee Structure	
Ambulance Fees	
Basic Life Support (BLS) – Non-Emergent	\$590.00
Basic Life Support (BLS) - Emergent	\$695.00
Advanced Life Support (ALS) Non-Emergent	\$690.00
Advanced Life Support (ALS) – Emergent	\$807.00
Advanced Life Support (ALS) Level 2	\$1,065.00
Treat / No Transport	\$277.00
Critical Care Transport	\$1,254.00
Loaded Mileage Rate	\$13.80
Oxygen	\$30.00
Additional Attendant	\$50.00
ALS Supplies	\$50.00
BLS Supplies	\$50.00
IV Supplies	\$35.00
Intubation Supplies	\$25.00
Medications	
▪ Nitrogen Tablet	\$5.00
▪ Ativan/Lorazepam	\$10.00
▪ Oral Glucose, Zofran Iv	\$15.00
▪ Epinephrine, Fentanyl, Morphine Sulfate, Sodium Bicarbonate, Solu-Medrol, Versed	\$20.00
▪ D50w/Dextrose Inj	\$25.00
▪ Albuterol Noncompounded 1mg	\$30.00
▪ Narcan/Naloxone Per 1mg	\$30.00
▪ Glucagon	\$250.00

Nuisance Alarms	
Fee Set by Ordinance	\$50.00 first false alarm, \$75 per additional alarm in 365 day period
City Hall	
Copies	Black and White \$.05 per single page copy in excess of 5 pages Color \$.50 per single page copy
Hourly rate for contract staff time or City Staff needed to produce or review documents	Actual cost of employee time if time involved exceeds thirty (30) minutes
Media (audio/video)	\$5 per 8GB
NSF Check Fee (All Departments)	\$30.00
Special Council Meeting	\$81 per Council member

BUILDING PERMITS	
TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$75.00
\$501.00 to \$2,000.00	\$75.00 for the first \$500.00 + \$.2.75 for each additional \$100.00 or fraction thereof, to and including \$2,000
\$2,001.00 to \$25,000.00	\$116.25 for the first \$2,000 + \$12.50 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,000.00 to \$50,000.00	\$391.25 for the first \$25,000 + \$9.00 foreach additional \$1,000.00 or fraction thereof, to and including \$50,000
\$50,000.00 to \$100,000.00	\$616.25 for the first \$50,000.00 + \$6.25 foreach additional \$1,000.00 or fraction thereof, to and including \$100,000
\$100,000.00 to \$500,000.00	\$928.75 for the first \$100,000.00 + \$5.00 foreach additional \$1,000.00 or fraction thereof, to and including \$500,000
\$500,000.00 to \$1,000,000.00	\$2,928.750 for the first \$500,000.00 + \$4.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000
\$1,000,000.00 and up	\$5,053.75 for the first \$1,000,000.00 + \$2.75 for each additional \$1,000.00 or fraction thereof
Re-inspection fees	\$42.00/hour (1-hour minimum)
Commercial Plan Review	65% of permit fee
Temporary Certificate of Occupancy	\$250
Final Site Plan Review	\$250.00 + 65% of total building permit fee
Fire Department Commercial Building Pre Plan Fee	\$75
SUB-CONTRACTOR PERMITS (RESIDENTIAL)	
Mechanical	Flat Fee \$80.00
Plumbing	Flat Fee \$80.00
Electrical	Flat Fee \$80.00
SUB-CONTRACTOR PERMITS (COMMERCIAL)	
Mechanical	Basic Fee \$80.00
Plumbing	Basic Fee \$80.00
Electrical	Basic Fee \$80.00

OTHER PERMITS	
Nuisance Abatement	
▪ Lot mowing	\$175.00/hour (1 hour minimum)
▪ R-O-W mowing	\$100.00/hour (1 hour minimum)
▪ Sidewalk snow removal	\$1.00 per lineal foot; or minimum \$100.00
Zoning verification/Property Research	\$110/hr.
Rezoning	\$400.00
Zoning compliance	\$110/hr.
Home occupation	\$50.00
Preliminary Site Plan Review	\$300.00 + Other Engineer Costs
Conditional Use Permit	\$400.00
Appeal or Variance request	\$400.00
Fence permit	\$100
Pool permit	\$100
Signs	Basic Fee \$100.00+ \$1.00 per square foot
▪ Temporary signs	Basic Fee \$15.00 + \$1.00 per square foot
Grading/Cosesco Permit	\$40.00
Temporary Use	\$25.00/month for up to 4 months; \$50.00/month for the 5 th month; \$100.00/month after 5 th month
Temporary Structure	
▪ Commercial	\$50.00/month
▪ Residential	First 30 days- \$0; Second 30 days- \$20.00, Third 30 days- \$40.00; thereafter- \$20.00 per 30 day extension
Sidewalk / Driveway approach	\$50.00
R-O-W Excavation	\$100.00
Non-Franchise Utility License	\$400.00
Demolition/Raze	\$50.00
Permits or inspections for which no fee is specified	\$40.00
Temporary Obstruction Permit	\$40.00
Temporary Use	
▪ Maximum 4 days	\$30.00
▪ Events longer than 4 days (produce stands, etc.)	\$60.00
▪ Long-term food and beverage	\$280.00
▪ Garden Centers and Large Structures	\$60.00 plus \$500.00 deposit
▪ Mobile Food Unit License	\$75.00
▪ Mobile Food Unit Special Occurrence Permit	Fee Set By City Administrator Based On Event
CODE ENFORCEMENT	
Notice to Abate	\$100
Re-Inspection	\$100 per inspection

Administrative Hearing	\$0
Preparation of Abatement Warrant	\$378
Abatement	Actual cost-plus 30%
Cost of Imposing Lien	\$82 plus County charge if any
Additional staff administrative time not covered above	\$95/hour plus actual costs for code enforcement and \$82/hour plus actual costs for finance employees

COMMUNITY & EVENTS CENTER RATES & FEES

	Non- Resident Rate	Resident/Non-Profit Rate
Saturday Full-Space 7 am – Midnight	\$2,800	
Sunday-Friday Full Space Minimum 2-hour rental	\$210 per hour	\$176 per hour
Pavilion 8-hour rental	\$100	\$75
Pavilion 4-hour rental	\$50	\$37.50

Resident/Non-Profit will be required to show proof of residency or non-profit status.

Note: Please see CEC Policy for cleaning fees and holdover fees.

DOWN PAYMENTS

To confirm all reservations, a down payment of 50% and signed agreement are required. Windsor Heights does not hold dates and all rentals are on a first come basis only. Down payments are non-refundable on any cancellation.

PARKS

BALL FIELD RENTALS

Ball Field rentals are available in full one hour increments only.

Number of Hours	Non-Resident Fee	Resident Fee (with ID)
1 Hour	\$30.00	\$25.00
2 Hours	\$50.00	\$45.00
3 Hours	\$65.00	\$60.00

SPECIAL EVENTS PERMIT \$75.00

Required on events hosted in the Community Center and Park, which are open to the public.

Resolution No. 2023-64

A RESOLUTION APPROVING AN UPDATED FEE SCHEDULE FOR THE CITY OF WINDSOR HEIGHTS, IOWA

WHEREAS, the City of Windsor Heights, Polk County, Iowa, City Council has reviewed the proposed amended fees for services as attached and determined said fees are necessary and appropriate for continuing the delivery of high quality services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Windsor Heights, Iowa, on this 18th day of December, 2023, that the attached Exhibit A fee schedule is hereby approved and in effect January 1st 2024.

Passed and Approved this 18th day of December, 2023

Mike Jones, Mayor

Attest: _____
Adam Strait, City Clerk



To: Mayor and City Council
From: Adam Plagge, City Administrator
Subject: [2024 City Council Goals](#)

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.

2023-2024 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~~[continue the](#) transition to fuel efficient vehicles as practical.

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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 and periodically review and adjust utility capital improvement fund rates to generate sufficient revenue to implement scheduled CIP projects-

~~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 ~~DC~~: Establish a standard budgeting process that will institute continuity that will allow multi-year analysis and decision-making.

Objective ~~ED~~: Receive a clean fiscal year audit report.

Objective ~~FE~~: 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.

Goal #5 – Build a **unique and sustainably vibrant community** that contributes to the overall character of the Greater Des Moines region.

[Type text]

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 B: Continue to invest in community events with community partners, including the Chamber of Commerce and provide funding to the Windsor Heights Foundation.

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.

Objective E: Consider policies and programs to expand and diversify the tree canopy of Windsor Heights both on public and private property.

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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~~Explore partnership opportunities with the Chamber comprehensive marketing plan ~~for to attract and retain business attraction using businesses aligned the with feedback from 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, IT infrastructure and public facilities.

Objective A: ~~Establish~~Continue to update the Capital Improvement Plan ~~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.

1145 66th St Suite 1 • Windsor Heights, IA 50324 • p 515.279.3662 • f 515.279.3664 • www.windsorheights.org

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: [Continue to 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 C: Utilize marketing initiatives to show Windsor Heights is a destination for visitors in the Des Moines Metro.~~

~~Objective D: Continuously improve the City's website to ensure accessibility by all and data management processes to ensure relevant information is accessible to staff, elected officials and the public.~~

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.



DEPARTMENT OF PUBLIC WORKS
1145 66TH Street
Windsor Heights, IA 50324

TO: Windsor Heights Mayor and City Council
CC: Adam J Plagge, City Administrator
FROM: Jason Roberts, Public Works Director
DATE: 13 December 2023
SUBJECT: Purchase of University Ave. Holiday Lights From 73rd Street to 70th Street

Recently, the Public Works Department installed the newly purchased Holiday Lights located along University Avenue from 70th Street east to 64th Street. In total, 24 Snowflake lights were bought and installed. The 24 lights replaced the 24 old and rusty lights the City has used for many years in the past. The response and feedback received since the lights have been installed has been very positive. So much so, that we have been repeatedly requested to install the same lights along University Ave. from 73rd Street to 70th Street. This would require the purchase of 15 more 4' LED White Spiral Snowflake Pole Mounted Lights. The initial purchase of the lights had a unit price of \$511.00/light + \$694.00/freight totaling \$12,958.00. For the 15 remaining lights, they have quoted us a year-end discounted price of \$479.00/light + 378.00/freight totaling \$7,563.00. Notated in the attached quote, the vendor has indicated that the discounted pricing is only available through 18 December 2023. In all, the total cost for the Holiday lights will be \$20,521.00. The approved budget for FY24 Expense Account 001-430-6511 had \$40,000.00 allocated for the purchase of the Holiday Lights.

Mid-American Energy used to own the light poles between 73rd Street and 70th Street. As part of the University Ave. road construction project, the city now owns and maintains these light poles.

I ask for your approval to purchase 15 more Holiday Lights in the amount of \$7,563.00 for the University Ave corridor running from 70rd Street to 73rd Street.

ATTACHED:

Display Sales – Sales Order Confirmation dated 11 May 2023

Display Sales – Quote SQ-2978 dated 13 December 2023



DISPLAYSALES

6300 W Old Shakopee Rd, Suite 112
Bloomington, MN 55438
Phone 800-328-6195 Fax 952-885-0099
www.displaysales.com

Quote

Estimate	SQ-2978
Date	12/04/2023
Customer Account	C21143
Customer Contact	Jason Roberts
Salesperson	Joe Wistrill
PO Number	
Expiration Date	Valid for 30 Days

Bill To:

Windsor Heights City Of
1133 66th St
Windsor Heights, IA 50311
Jason Roberts

Ship To:

Windsor Heights City Of
1133 66th St
Windsor Heights, IA 50311
Jason Roberts

Item number	Description	Quantity	Unit	Unit Price	Amount
DX-PM-WL-4-SPIRAL-S	4' White Line Spiral Snowflake Pole Mount Decoration with C-7 Bar LED Bulbs and Mounting Hardware -Customized Lead Length: Extra 1.5' Added- *****Special 2023 SALE Pricing***** (While Supplies Last) Expires by Dec 18th	15	Each	\$ 479.00	\$ 7,185.00
FEE-FREIGHT	Shipping and Handling (If lift gate needed, must be requested)	1	Each	\$ 378.00	\$ 378.00
				Subtotal	\$ 7,563.00
				Sales Tax	\$ 0.00
				Total	\$ 7,563.00

Financing available.

To accept this quotation, sign here and return.

Thank you for your business.



GRAPHIC ART SERVICE:

Display Sales encourages customers to provide vector-based artwork so that the process of proofing and printing may proceed quickly without interruption. Otherwise, if artwork is unusable, graphic art services will be billed at \$125 per hour to correct unusable art, redraw non-formatted art, or design and create custom imagery (per customer request). Alterations are \$50 per hour. You will be contacted by one of our Graphic Arts team members and provided a proof. Send your artwork to: artwork@displaysales.com

PRODUCTION TIMEFRAMES:

Normal production time is 14 working days AFTER art proof is approved and down payment is received. Upon approval, rush requests will include a \$50 fee.

TERMS:

- 50% down payment on orders for new customers.
- Check or credit card accepted for down payment.
- Balance due Net 20 days after final invoice.
- F.O.B. Display Sales - shipping & handling charges based on destination and size of order.
- Financing available for orders greater than \$5,000

SHIPPING & FREIGHT RESPONSIBILITY:

FOR ALL SMALL PACKAGE DELIVERIES (UPS, FEDEX, USPS, ETC): All shipments MUST be inspected at the time of delivery. The customer has 48 hours from the time of delivery to notify Display Sales of any shortage or damage to the order. After 48 hours it will be at the discretion of Display Sales to decide how to proceed.

FOR LTL/TRUCKLOAD DELIVERIES:

Any damage or visible loss to your shipment MUST be noted on the delivery receipt (signed by the customer) at the time of delivery. In the event of loss or damage this must be done to file a claim. Display Sales is ineligible to file a claim on behalf of the customer if this is not done and the customer will be responsible for all replacement and/or repair costs Display Sales is not liable for shipments lost, delayed, or damaged in transit. Claims be filed by the purchaser within 10 days to Transit Company. Purchaser is responsible for reviewing merchandise upon receipt to verify order and condition

RETURN POLICY:

Returns are accepted within 30 days of delivery (excluding shipping charges). The customer must contact Display Sales for a Return Merchandise Authorization (RMA) number before sending back the items. The customer is responsible for returning the merchandise and all related shipping costs. A restocking fee may apply, up to 25% of the product cost. If there is an issue with the shipment (other than loss or damage) the customer must contact Display Sales within 30 days of receiving the shipment to resolve the issue

Returns are NOT accepted for custom or modified merchandise.

WARRANTIES for BANNERS & DECORATIONS:

Display Sales stands behind our products, however, on an occasion an issue may arise with a product. Please contact your sales representative at 800-328-6195 to discuss the issue and to see the details of warranty coverage. Pictures of the product will be requested before we can fully determine the issue and attempt to resolve. Customer is responsible for the cost of removal, reinstallation and shipping incurred for merchandise being repaired or replaced. Customer participation is required to troubleshoot product issues, which will provide a timely resolution. All issues must be pre-approved by Display Sales for repairs or replacement.



DISPLAYSALES

6300 W Old Shakopee Rd, Suite 112
Bloomington, MN 55438
Phone 800-328-6195 Fax 952-885-0099
www.displaysales.com

Sales Order Confirmation

Order Date	05/11/2023
Sales Order	SO-336387
PO Number	
Customer Contact	
Salesperson	Joe Wistrill
Payment Terms	Net 20
Customer Account	C21143

Bill To:

City of Windsor Heights
1133 66th St
Windsor Heights, IA 50311

Ship To:

City of Windsor Heights
1133 66th St
Windsor Heights, IA 50311

Item number	Description	Ship Date	Quantity	Unit	Unit Price	Amount
DX-PM-WL-4-SPIRAL-S	4' White Line Spiral Snowflake		24	Each	\$ 511.00	\$ 12,264.00
	Pole Mount Decoration					
FEE-FREIGHT			1	Each	\$ 694.00	\$ 694.00
						Subtotal
						\$ 12,958.00
						Sales Tax
						\$ 0.00
						Total
						\$ 12,958.00



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Windsor Heights Fire Dept.

1133 66th Street
Windsor Heights, Iowa 50324

Office: 515-279-9450
Fax: 515-279-7760

November 2023 Monthly Report

Work Areas

1. A Shift

- FF/EMT continued to work on the rental program.
- FF/Paramedic Jones worked to ensure that all medications and EMS supplies are at appropriate levels.
- Overseeing the annual maintenance for our heart monitor and Lucas device.

2. B Shift

- Continued work towards 2023 commercial inspection completion.
- The crew continued to work on the acquired structure training plan for the property at 63rd and University.
- B shift continued to interact with the community when out of the firehouse.

3. C Shift

- FF/Paramedic Evans continued to work on the apparatus maintenance program, ensuring maintenance issues are resolved and tracking measures are met.
- FF/EMT Ahrens continued to work on the PPE tracking project.

4. Chief Mease

- Attended multiple meetings with Metro area agencies to include the Polk County Fire Chiefs, Westcom Fire Operations Group, Chief Garcia with Clive Fire, Central Iowa EMS Directors, Roe Consulting, Westcom Sub-Ops Committee.
- Attending calls as needed with all crews to ensure appropriate mitigation.
- Continued work towards hiring a new group of Paid on Call firefighters.
- Completed uploading of the National Fire Incident Reporting System data.
- Completion of EMS billing and staff scheduling.
- Multiple vacation days were taken during the month of November.

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.

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Windsor Heights, Iowa 50324

Office: 515-279-9450
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Accomplishments

- November training topics included a walk through at the newly acquired residential structures, radio communications, Self-Contained Breathing Apparatus, Rapid Intervention Crews, Pharmacology, and Scene Size Ups.
- 18 rental inspections were completed with crews scheduled to finish in December.
- Crews were invited and participated in a Veterans Day Ceremony at the CEC.

Calls

- 11/4 – Crews assisted the WDMFD at a 2nd alarm structure fire. On arrival, the crew was assigned to defensive attack operations. During attack operations, structural collapse took place. Three dogs and one cat perished in the fire, with two dogs being rescued. No civilian or FD personnel injuries were reported.



DUTY - PRIDE - TRADITION

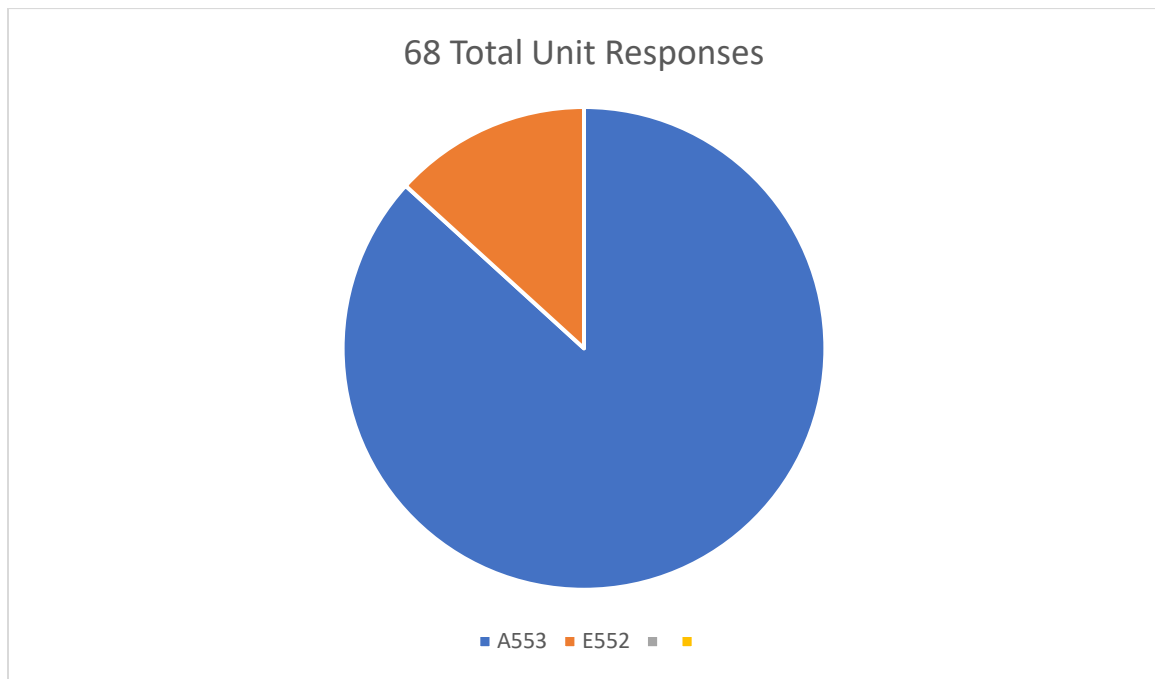
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Office: 515-279-9450
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- 11/16 – Crews responded to the report of a dryer fire. On investigation crews found moderate smoke in the basement. The gas to the residence was shut off and the fire was found to be out.



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: December 14, 2023

Re: Police Department November/December 2023 Monthly Report

Please find below the highlights for the Police Department.

Department Updates

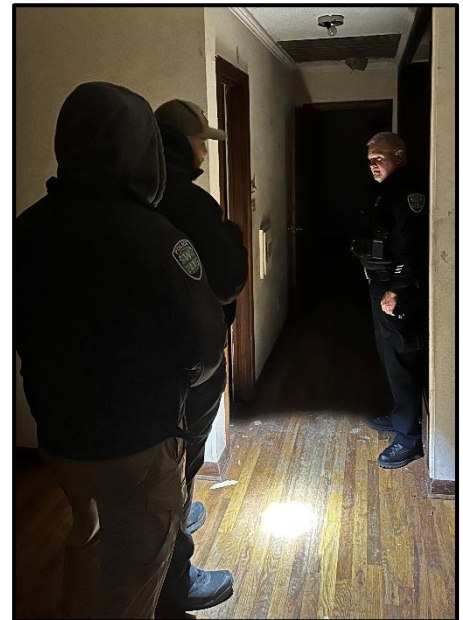
A forfeited BMW was listed for auction on GovDeals.com. Before the vehicle was posted, the area representative for GovDeals.com met with City Staff to train them on the website and explain the auction process. The city has previously used GovDeals.com to sell various surplus items.

On Friday, December 8, Fire Chief Mease and Chief Roth attended the Joint Chiefs Meeting at the Polk County Emergency Management. The event was well attended. An informational flyer about the Polk County Emergency Management was given to the participants. It is attached to this report.

Training

On November 20 and 21, Lt. Irlbeck and Det. Johnson attended a training in Ankeny geared toward crime scene investigations. This training included sessions on crime scene photography, fingerprints, and major crime case studies.

On Wednesday, December 6, Officers Palmer and Bowers conducted training for the department in a house marked for demolition for the new apartment building. Officers were instructed in room clearing, active threats, and barricaded persons. Special thanks to the builder for allowing the department to use this house. It provided an ideal training environment that offered realistic situations that could arise. Day and evening sessions were held.

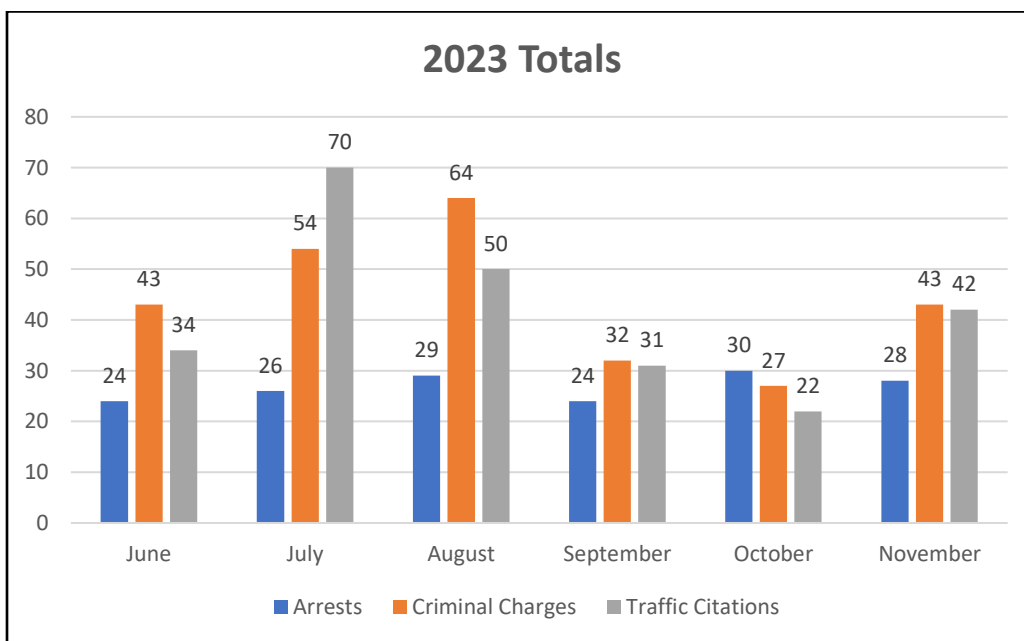
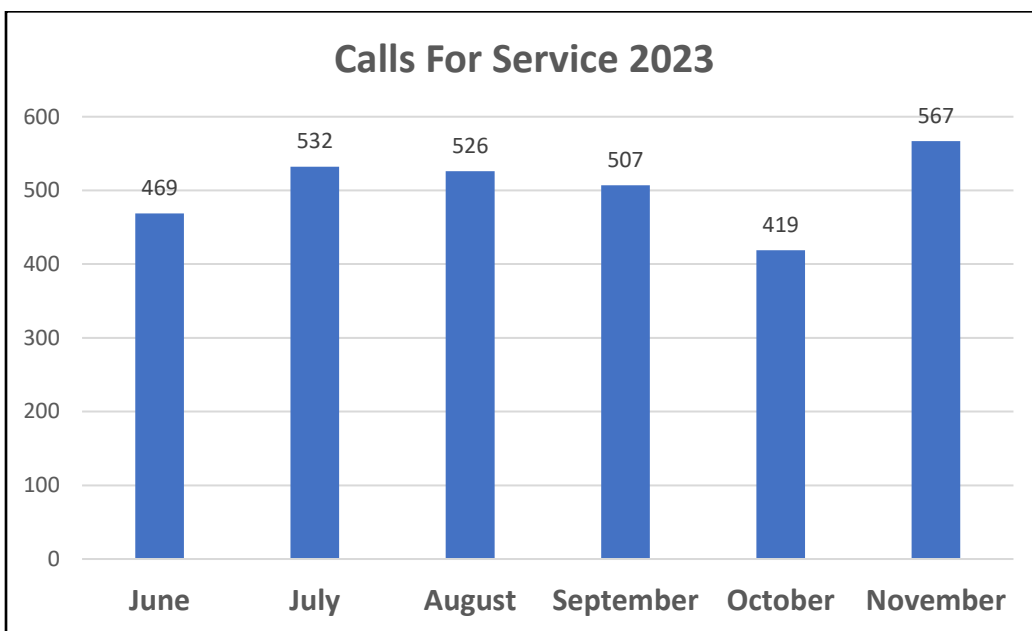


Incidents

Officers are investigating two cases of mail theft and fraud that reportedly occurred in early December. The department is working with the US Postal Inspectors.

Lt. Irlbeck and Det. Johnson investigated a felony theft case involving area pawn shops. These cases can prove difficult to solve due to the nature of the items being sold. This incident involved many rare and exotic gold coins. However, due to the efforts of the investigators, an individual was arrested on December 13.

Department Statistics





Emergency Management Commission

THE LAWS OF THE STATE OF IOWA ESTABLISH LOCAL EMERGENCY MANAGEMENT COMMISSIONS. THEY HAVE THE RESPONSIBILITY AND AUTHORITY TO COORDINATE EMERGENCIES AND DISASTERS AMONG THE CITIES AND THE COUNTY. THE COMMISSION MEMBERS INCLUDE THE MAYORS OF EACH OF THE CITIES, A MEMBER OF THE COUNTY BOARD OF SUPERVISORS AND THE SHERIFF.

THE COMMISSION DELEGATES THIS AUTHORITY TO THE EMERGENCY MANAGEMENT AGENCY TO FULFILL THE COMMISSION'S DUTIES. (Source: Code of Iowa Chapter 29C)

Our Principles: We Strive to be...

- 1. **Comprehensive** – we consider and take into account all hazards, all phases, all stakeholders, and all impacts relevant to disasters
- 2. **Progressive** – we anticipate future disasters and take preventative and preparatory measure to build disaster-resistant and disaster-resilient communities
- 3. **Risk-Driven** – we use sound risk management principles (hazard identification, risk analysis, and impact analysis) in assigning priorities and resources
- 4. **Integrated** – we ensure unity of effort among all levels of government and all elements of a community
- 5. **Collaborative** – we create and sustain broad and sincere relationships among individuals and organizations to encourage trust, advocate a team atmosphere, build consensus, and facilitate communication
- 6. **Coordinated** – we synchronize the activities of all relevant stakeholders to achieve a common purpose
- 7. **Flexible** – we use creative and innovative approaches in solving disaster challenges
- 8. **Professional** – we value a science and knowledge-based approach founded on education, training, experience, ethical practice, public stewardship and continuous improvement



Meet the Team

(in order of tenure)

A.J. Mumm - Director



Began his emergency management career in 1999 and appointed by the Commission to lead the agency in 2004, he has experience at the local and state levels. A graduate of Drake University and Iowa State University.

Cameron Stufflebeam - Program Assistant



Started with the agency in 2016 and brings with him many years of emergency management, hazardous materials, and communications experience with the Iowa Air National Guard.

Tracey Bearden - 911 Coordinator



Joined the staff in 2016 with previous experience in the US Border Patrol. She brings with her degrees in law and public administration.

Patty Nordmeyer - Office Specialist



Many years of experience in office administration. She was welcomed to the agency in 2018 and is responsible for grant management, fiscal administration, social media, and managing the daily office activities of the agency.

Dutch Geisinger - Deputy Director



Joined the agency in 2020. He brings previous experience in local law enforcement, U.S. Dept. of Homeland Security, Iowa Homeland Security and Emergency Management, Iowa National Guard, the U.S. Army, and Safeguard Iowa Partnership.

Brett McIntyre - Program Assistant



Joined the team in 2023 with a strong background in communications, broadcast meteorology and severe weather awareness. Leads our training and exercise programs.

Laura Kacer – Resiliency Coordinator



Welcomed aboard in 2023. She has several years of leading teams and producing results in education. Laura will lead the mitigation and recovery efforts as well as the Polk County Healthcare Coalition.

Polk County Emergency Management Agency
1907 Carpenter Ave – Des Moines, Iowa 50314
Main Office: 515.286.2107
24/7 Duty Officer: 515.286.3333
PolkCountyIowa.gov/emergency-management/





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1907 Carpenter Ave – Des Moines, Iowa 50314
Main Office: 515.286.2107
24/7 Duty Officer: 515.286.3333



OUR MISSION, OUR PURPOSE, OUR WHY...

TO HELP PEOPLE AND ORGANIZATIONS BE SUCCESSFUL BEFORE, DURING AND AFTER ANY DISASTER.

LEAD Set a positive and caring example	SUPPORT Provide a helping hand to those in need
CONNECT Demonstrate transparency through effective communication and information sharing	UNIFY Integrate, collaborate and organize so that together we are greater than the sum of our parts

OUR SUCCESS ... IS MEASURED BY HOW WELL WE HELP OTHERS SUCCEED.

Proudly Serving the Communities of:
Alleman – Altoona – Ankeny – Bondurant – Clive – Des Moines – Elkhart – Grimes – Johnston – Mitchellville – Pleasant Hill – Polk City – Polk County – Runnells – Urbandale – West Des Moines – Windsor Heights

RESULTS

- A prepared, responsive and resilient community
★★★★★
- Professional leadership during complex and high impact situations
★★★★★
- Agreement and shared expectations supported through collaboration
★★★★★
- Proven methods established around experience
★★★★★
- Situational awareness produced from trusted relationships
★★★★★
- Effective teamwork shaped by a common operating picture
★★★★★
- Shared resources applied in a cost-effective manner
★★★★★

Program Elements – What we Do

Resource Management	Communications
Facilities & Fleet Management Resource Mgt Mutual Aid - Logistics	911 Budget and Finance Metro Interoperability Project Management
Incident & Event Management	Planning
Duty Officer Program EOC Readiness and Response Event Action Planning	Mitigation and Prevention Response/Operations Recovery
Training and Education	Exercises and Evaluation
National and State Courses Agency Produced Courses Lunch & Learn Programs	Workshops – Seminars – Drills Tabletop and Full-Scale Exercises After Action Review
Public Information	Administration
Outreach Events – Social Media Web Site – Produced Content Public Presentations	Personnel - Finance - Grant Mgt Professional Development Strategic Planning

Emergency Operations Center

The EOC is the central location enabling multiple entities to collaborate on:

1. Establishing the overall **priorities** of the incident
2. Managing **resources**
3. **Sharing information** with responders and the public
4. Maintaining **situational awareness**
5. **Synchronizing policy** decisions
6. Coordinating **communications**

Personnel are empowered to:

- Identify, coordinate and act on Priorities, Objectives, Strategies, and Tasks (POST) – **OPERATIONS**
- Anticipate future conditions based on forecasts and trends – **PLANNING**
- Support responders and the community through resource ordering and distribution – **LOGISTICS**
- Manage activities with sound economic stewardship – **FINANCE & ADMIN**

EOC

County-wide Comprehensive Emergency Plan (CCEP)

The CCEP is a document describing how people, property and the environment will be protected in an emergency or disaster. The plan is **COMPREHENSIVE** (before, during and after), **ALL-HAZARDS** (natural, human-caused, accidental and intentional), and **CAPABILITIES-BASED** (focus on flexible use of existing resources rather than specific threat scenarios).

The CCEP includes a **Base Plan** and multiple **Emergency Support Functions** (ESFs). An ESF is a grouping of similar governmental, non-governmental organizations (NGOs) and certain private sector capabilities into an organization structure. They provide support, resources, program implementation, and services that are most likely needed to save lives, protect property and the environment, restore essential services and critical infrastructure, and help survivors and communities return to normal operations.

	Base Plan The Base Plan provides a framework for the emergency management structure. Outlines roles and responsibilities, legal authorities and the overall concepts of operations.		ESF 8 Public Health and Medical Services: Provides planning and coordination of public health, healthcare systems, and emergency response systems to minimize and/or prevent health emergencies. Provides medical care; mental health services, lab services, quarantine and isolation protocols, and mass casualty and fatality incident management.
	ESF 1 Transportation: Coordination of transportation activities for surface, air, and rail. Integration of government and private sector resources to effectively move people, goods and services.		ESF 9 Search and Rescue: Organizes components of urban search and rescue, wide-area search, evacuation and other specialized life-saving search and rescue operations in Polk County.
	ESF 2 Communications: Organizes, establishes and maintains the communications capabilities necessary to meet operational requirements of cities, the county and critical infrastructure partners.		ESF 10 Hazardous Materials: Delineates the responsibilities and authorities required to meet local government's obligation to protect the health and safety of emergency responders, the public and the environment from hazardous materials produced, stored, or transported in/through Polk County.
	ESF 3 Public Works and Engineering: Coordination and conduct for damage assessment, engineering services, construction and debris management services.		ESF 11 Agriculture, Natural Resources and Pets: Connects to state and federal ag and natural resources programs during and after a disaster. Provides for the safety and well-being of household pets together with ESF#6.
	ESF 4 Firefighting: Coordination and collaboration of countywide fire service activities. Identifies the actions of involved entities during threatened or actual fires in Polk County.		ESF 12 Energy: Describes the relationships between the cities, county, utilities and energy providers. Also details assessment, repair and restoration of services within Polk County during and following an emergency or disaster.
	ESF 5 Emergency Management: Details the procedures, responsibilities and operations for emergency management before, during and after an imminent or actual emergency or disaster.		ESF 13 Law Enforcement and Security: Outlines the command, control and coordination of countywide law enforcement activities to support emergency operations. Facilitates the maintenance or restoration of order during or after an emergency or disaster.
	ESF 6 Mass Care and Sheltering: Framework for the mass care resources and services, emergency care and sheltering assistance, and basic human services for survivors.		ESF 14 Mitigation and Long-Term Recovery: Mitigation focuses on prevention or reduction of risk from multiple hazards. Recovery support functions (RSFs) include: infrastructure, economic, natural and cultural resources, health and social services, housing and community assistance.
	ESF 7 Resource Support: Guidance for coordinating logistical support resources such as private sector services, volunteer management, donations management and military support.		ESF 15 Public Information: Coordination and dissemination of timely, effective and accessible public information affecting the whole community. Provide accurate, coordinated, and timely information to internal and external audiences.

What can YOU do?

12 Steps To Preparedness



- 1 **Make a Plan** – family communication, exit and escape, evacuation, shelter-in-place, reunification location, etc. Don't forget to practice.
- 2 **Have a Kit** – 3 day supply: water, food, cash, first aid kit, flashlight, batteries, copies of important documents, unique family needs such as as medications, pet supplies, etc.
- 3 **Stay Informed** – acquire a weather radio, smart phone apps, something to say informed of what's going on.
- 4 Conduct a comprehensive **insurance review** – home, life, auto, flood, sump pump. Mange your risks insurance.
- 5 **Inventory your household belongings** – video or photo your belongings and store in a safe or safety deposit box. Digitize your family pictures, baby books, scrapbooks, etc.
- 6 Check you **smoke alarms** (batteries and age of alarms) and install a **CO detector** (or check the batteries and the age of the alarm).
- 7 Start a savings plan to establish an **emergency fund** (3-6 months of expenses is a great start to improve resiliency).
- 8 Sign up for **Polk County/Alert Iowa** and **Rapid SOS** – Emergency Health Profile on our website.
- 9 **Expand your plan** for your daily lives on the go. Do you have a plan at work, at school, at your place of worship?
- 10 Put together a **GO KIT** – use a backpack or old suitcase that you can grab and go.
- 11 **Get involved and get trained.** First Aid, CPR, Stop the Bleed. Volunteer with a community organization.
- 12 Challenge and assist a family member, neighbor or friend to do the same. **Help by paying it forward.**

Piecemeal legislation and programs focused on natural disasters

Ad hoc local approaches continued. Large earthquake in Alaska refocused back to natural disasters.

Recognition of hazard mitigation and all-hazards approach. FEMA elevated to cabinet level department.



1950s

Cold war focus delivered through Civil Defense programs managed mostly by retired military personnel



1960s

Efforts began to synchronize ad hoc programs. Three Mile Island broadened focus to include technological disasters. FEMA created in 1978.

1970s

1980s

FEMA

1993

The Des Moines Register

Floods cripple Des Moines; entire city without water

Downtown may lack electricity for a week

2001

Terrorism focus within Dept. of Homeland Security following 911 terrorist attacks.

2007

BARSOL

2008 & 2010

River Flooding

Flash Flood 2018

CORONAVIRUS (COVID-19)

NCAA

IRONMAN

Planned Events

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Windsor Heights Fire Dept.

1133 66th Street
Windsor Heights, Iowa 50324

Office: 515-279-9450
Fax: 515-279-7760

November 2023 Monthly Report

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4. Chief Mease

- Attended multiple meetings with Metro area agencies to include the Polk County Fire Chiefs, Westcom Fire Operations Group, Chief Garcia with Clive Fire, Central Iowa EMS Directors, Roe Consulting, Westcom Sub-Ops Committee.
- Attending calls as needed with all crews to ensure appropriate mitigation.
- Continued work towards hiring a new group of Paid on Call firefighters.
- Completed uploading of the National Fire Incident Reporting System data.
- Completion of EMS billing and staff scheduling.
- Multiple vacation days were taken during the month of November.

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.



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Accomplishments

- November training topics included a walk through at the newly acquired residential structures, radio communications, Self-Contained Breathing Apparatus, Rapid Intervention Crews, Pharmacology, and Scene Size Ups.
- 18 rental inspections were completed with crews scheduled to finish in December.
- Crews were invited and participated in a Veterans Day Ceremony at the CEC.

Calls

- 11/4 – Crews assisted the WDMFD at a 2nd alarm structure fire. On arrival, the crew was assigned to defensive attack operations. During attack operations, structural collapse took place. Three dogs and one cat perished in the fire, with two dogs being rescued. No civilian or FD personnel injuries were reported.



DUTY - PRIDE - TRADITION

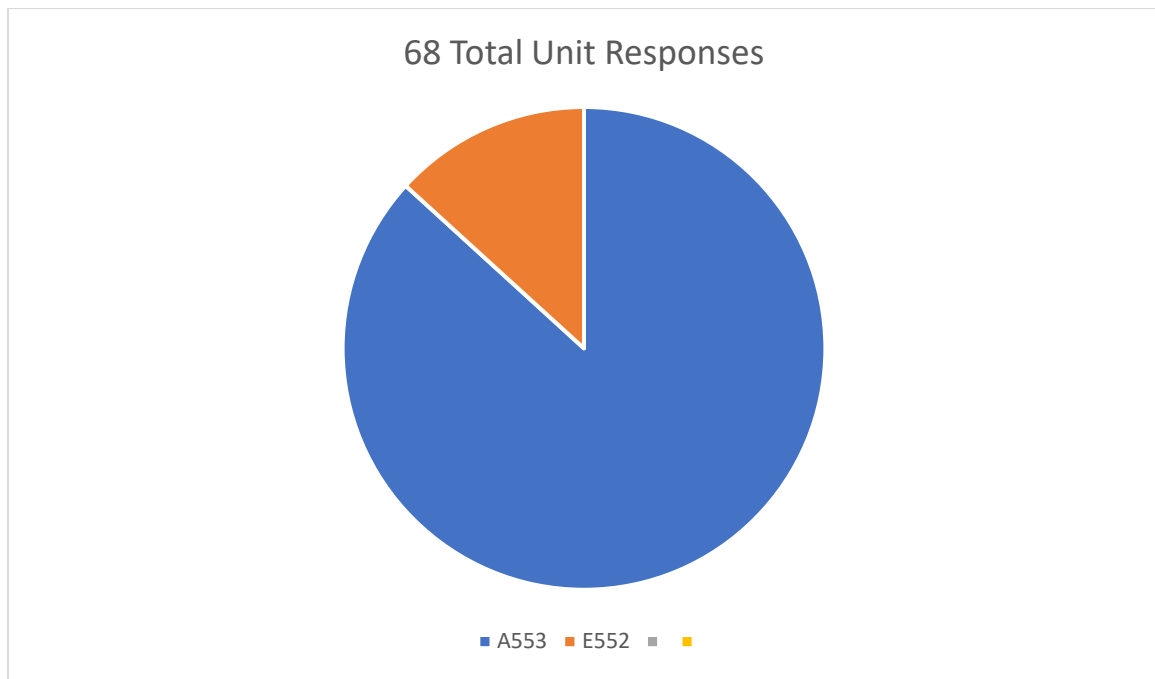
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- 11/16 – Crews responded to the report of a dryer fire. On investigation crews found moderate smoke in the basement. The gas to the residence was shut off and the fire was found to be out.



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