



Mount  
Vernon  
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**City of Mt. Vernon  
Planning and Zoning Commission  
September 18, 2024 6:00 PM  
City Hall, 213 1<sup>st</sup> Street NW**

**MEETING PACKET**

**Remote / Zoom Access:**

For those who are unable to attend please log onto Zoom 5-10 minutes prior to the meeting. Contact staff member Leigh Bradbury at (319) 929-6541 for a link to be emailed to you, or log on utilizing the meeting ID#: **687 626 2505**

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Planning and Zoning Commission  
City Hall 213 First St NW  
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## **AGENDA**

1. Call to Order / Roll Call
2. Approval of Agenda
3. Approval of Minutes
4. Public Discussion - Items not on the agenda. Each citizen is limited to 5 minutes
5. Zoning Ordinance Amendment: Ch165 Zoning Regulations
6. Ordinance Amendments:
  - CH165 Zoning Regulations - Smoke Shop as Permitted Use in Limited Industrial
  - CH46 Minors - 46.03 Smoke Shops: Under 21 / proprietor responsibilities
7. Staff Updates:
  - Community Housing Initiative (CHI)
  - Kwik Star
  - Potential Rezoning / Extension of Bus 30 Master Plan
8. Adjournment

**PLANNING & ZONING COMMISSION**  
**Meeting Minutes**  
**August 28, 2024**

**The Mount Vernon Planning & Zoning Commission met at 6:00 p.m. on August 28, 2024 at City Hall, 213 First St NW, Mount Vernon , IA; with the option of attendance via Zoom.**

**Call to Order:** At 6:07 p.m., Commission Chair Truman Jordan called the meeting to order.

**Role Call:** Four members present: Truman Jordan, Jay Williams, Jacob Lindauer, Cathy George and the newest member, Mary Horst. Commission member Joan Burge was present, having agreed to stay on until the discussion on ADU's was complete. Jake Buster and Matt Nelson were absent.

**Agenda Approval:** Staff noted Agenda Item #3 included approval of July 17, 2024 minutes, not June. There was no meeting in June, for lack of quorum. Motion to approve with this change, Willems; seconded by George. All in favor.

**Public discussion - items not on the agenda:** None

**Agenda Item #5: Zoning Code Update: Accessory Dwelling Units, Tiny Houses & Shipping Containers**

ECICOG consultant Tom Gruis addressed questions from commission members and then presented a second draft ordinance, based on the majority response from commission members.

Questions from staff included the following:

- Q. How does the City enforce the requirement for owner-occupation of one unit?
  - A. If it becomes a problem, the City could move to rental permitting & inspection, possibly through existing services provided by ECICOG or Linn County.
  
- Q. Will ADU's be permitted by right or is there an approval process they will go through?
  - A. A Conditional Use Permit would go through the Board of Adjustment, with consideration given on a case-by-case basis. The board can approve with additional restrictions, to protect against negative affects on surrounding properties.

Q. Is there any possibility of subsequent subdivision of parcels with ADUs?

A. There is a minimum size restriction on lots, so this is not likely. Also, subdivisions go through P&Z

Q. Is there a way to have the abstract language updated to note the owner-occupied restriction, to provide notice to potential subsequent owners?

A. Staff to research.

Regulations incorporated into the ordinance language, based on the majority response included the following:

- Owner-occupied requirement for at least one dwelling unit (primary or ADU)
- Permanent foundation required
- 600 sq ft Minimum to 800 / 1000 maximum
- Limit of one (1) ADU per parcel
- Home occupations allowed
- Off-Street Parking Requirement of 1
- Separate bath and kitchen facilities required
- For attached / internal: Entrance on separate façade from that of the primary structure
- Other bulk regulations same as primary structure
- Design requirement to match primary façade`

Commission members agreed unanimously to designate ADU's as permitted by right (versus by Conditional Use Permit) for districts with single family dwellings as an allowed use. Gruis will prepare a final draft for final consideration and vote at the September 18, 2024 meeting.

Staff provided an update on pending ordinances to address zoning of Smoke Shops, CHI's low to moderate income development, the downtown streetscape and Alliant smart pole installation. Mary Horst was welcomed as an official commission member and Joan Burge was thanked for her service and staying on through the ADU ordinance process.

**Meeting was adjourned at 8:20.**

**Staff present:** City Planner Leigh Bradbury

CHAPTER 165  
ZONING REGULATIONS

100 ARTICLE ONE: GENERAL PROVISIONS

101 TITLE.

This chapter shall be known and may be cited as the "City of Mount Vernon, Iowa, Zoning Ordinance."

102 PURPOSE.

The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Mount Vernon as provided by Chapter 414, Code of Iowa. The purposes of the Zoning Ordinance of the City of Mount Vernon 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 compatibility of adjacent land uses.
5. Protect environmentally sensitive areas.
6. Further the objectives of the Comprehensive Plan of the City of Mount Vernon. The City of Mount Vernon intends that this Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan. Should this ordinance become inconsistent with the adopted Comprehensive Plan because of subsequent amendments to that plan, it is the City's intent to amend this ordinance to bring it into general conformance with the plan as amended.

103 CONFLICTING PROVISIONS.

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Zoning Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Mount Vernon, or any applicable State or Federal law, the more restrictive provision shall apply.

104 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.

#### 105 APPLICATION OF DISTRICT REGULATIONS.

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, and particularly, except as hereinafter provided.

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
3. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
4. In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.
5. There shall be no more than one principal structure allowed upon any lot.
6. All dwelling units, including attached garages, shall be placed on and secured to a permanent frost-free perimeter foundation.
7. Every principal building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for utilities servicing, fire protection, and required off-street parking.

#### 200 ARTICLE TWO: PROVISION FOR OFFICIAL ZONING MAP

#### 201 OFFICIAL ZONING MAP.

The City and surrounding unincorporated lands shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance. One map shall identify the unincorporated and incorporated areas.

1. If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows:
2. "By official action of the City Council, the following changes were made in the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)
3. No amendment of this chapter which involves a matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map. (See Editor's Note at the end of this zoning ordinance.)

#### 202 REPLACEMENT OF THE OFFICIAL ZONING MAP.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map per Ordinance No. \_\_\_\_\_ of the City of Mount Vernon, Iowa."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

#### 203 RULES INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;
8. Whenever Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation;
9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

### 300 ARTICLE THREE: DEFINITIONS

#### 301 PURPOSE.

The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction. For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

1. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel."
2. 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.

## 302 DEFINITIONS.

For the purposes of this Zoning Ordinance, 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. **Abutting.** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Access.** A way of approaching or entering a property from a public street.
3. **Accessory Buildings or Structure.** A building or structure which is incidental to and customarily associated with a specific principal use or building on the same site.
4. **Accessory Dwelling Unit (ADU): A dwelling unit located within an owner occupied, single-family home or in an accessory structure subject to the regulations set forth in Section 610.**
4. **Accessory Use.** A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
5. **Addition.** 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.** Governmental offices 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. **Agriculture.** The production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.
8. **Agricultural Sales and Service.** Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

9. Alley. A public right of way which is used as a secondary means of access to abutting property.
10. Alteration. 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. Alternative Energy Production Devices. The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities, wind charges, windmills, or wind turbines.
12. Amateur Radio Tower. A structure(s) for the transmission or broadcasting of electronic or electromagnetic signals by amateur radio operators.
13. Animal Production. The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.
14. Apartment. A housing unit within a building designed for and suitable for occupancy by only one familyhousehold. Apartments are generally located within multi-family residential buildings.
15. Attached. 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; facade wall extension; or archway.
16. Automotive and Equipment Services. Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:
- A. Automotive Rental and Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
  - B. 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.
  - C. Body Repair: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment.

Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

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

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

F. Vehicle Storage: 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.

17. Aviation Facilities. Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

18. Basement. 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.

19. Bed and Breakfast. A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast.

20. Block. An area of land within a subdivision that is entirely bounded by streets, 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 legal description of a property.

21. Block Face. 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 Mount Vernon.

22. Board. The Board of Adjustment. A body, established by the City expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this Ordinance.

23. Broadcasting Tower. A structure(s) for the transmission or broadcasting of radio, television, radar, microwaves, electronic or electromagnetic signals, ordinarily exceeding the maximum height permitted in its zoning district, under governmental regulation or control.

24. **Bufferyard.** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

25. **Building.** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.

26. **Building Coverage.** The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

27. **Building Face.** The length of the single front building elevation in which the primary entrance to the business is located.

28. **Building Line.** A line that is the required minimum distance from any lot line that establishes the area within which the principal structure must be erected or placed.

29. **Building Official.** The designee of the City Council, who is responsible for the enforcement of the applicable building codes.

30. **Building Permit.** A document that must be issued by the Building Official prior to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure regulated by this Ordinance or by the applicable building codes of the City of Mount Vernon. Issuance of a building permit follows review of plans by the Zoning Administrator to determine that the proposed use of building or land complies with the provisions of the Zoning Ordinance.

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31. **Business.** Activities that include the exchange or manufacture of goods or services on a site.

32. **Business Center.** A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

33. **Business Support Services.** Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.

34. **Business or Trade Schools.** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

35. **Campground.** 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 7 consecutive days during any one month period.

36. Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
37. Certificate of Occupancy. An official certificate issued by the Building Official or his/her designee prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this Zoning Ordinance.
38. Change of Use. The replacement of an existing use by a new use.
39. Clubs. Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.
- A. Clubs (Recreational): Clubs which provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs and private or nonprofit community or recreation centers.
- B. Clubs (Social): Clubs which provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations.
40. Cluster. A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
41. City. The City of Mount Vernon, Iowa.
42. City Council. The City Council of Mount Vernon, Iowa.
43. Cocktail Lounge. 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.
44. Collector Street. A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
45. College and University Facilities. An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
46. Commercial Feedlots. The use of a site for the confined feeding or holding of livestock or poultry within buildings, lots, pens, or other close quarters which are not used for crop production or where grazing of natural vegetation is not the major feed source.
47. Commercial Recreation. 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, billiard or bowling centers, game arcades, or private skating facilities.
48. Common Area. An area held, designed, and designated for common or cooperative use within a development.

49. Common Development. A development proposed and planned as one unified project not separated by a public street or alley.

50. Common Open Space. Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

51. Communications Services. Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes 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."

52. Compatibility. 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.

53. Comprehensive Plan. The duly adopted Comprehensive Plan of the City of Mount Vernon.

54. Conditional Use. A use with operating and/or physical characteristics different from uses permitted by right in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Board of Adjustment. Conditional uses are considered identical to Special Exception Uses as authorized by the Code of Iowa.

55. Condominium. A real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.

57. Conservation Development. A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

57. Conservation Subdivision. Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.

58. Construction Batch Plant. A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

59. Construction Sales and Services. Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the

construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

60. Construction Yards. Establishments housing facilities of 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.

61. Consumer Services. Establishments which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

62. Convenience Storage. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

63. Convalescent Services. A use providing bed care and inpatient 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 disease, or communicable disease. Typical uses include nursing homes.

64. Conventional Subdivision. A subdivision which literally meets all nominal standards of the zoning and subdivision ordinances for lot dimensions, setbacks, street frontage, and other site development regulations.

65. Corporate Offices. Use of a site for administrative, processing, or research offices, which generally does not provide service to clientele from Mount Vernon and the surrounding region. Corporate offices are destinations for commuters drawn from a relatively wide region around Mount Vernon, as well as from the community itself. Typical uses include corporate headquarters offices, telemarketing, or information processing offices.

66. County. Linn County, Iowa.

67. Court. An approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

- A. Serves twelve 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.

68. Courtyard. An open, unoccupied space, bounded on two or more sides by the walls of the building.

69. Creative Subdivision. A subdivision which, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the zoning ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Conservation Subdivisions and Traditional Neighborhood Districts.

70. Crop Production. The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

71. Cultural Services. A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

72. Custom Manufacturing. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

- A. The use of hand tools
- B. The use of domestic mechanical equipment not exceeding 2 horsepower
- C. A single kiln not exceeding 8 KW or equivalent.

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, candle making shops.

73. 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 (6) 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.

74. 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 (6) 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.

75. Density. The amount of development per specific unit of a site.

76. Detention Facilities. A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

77. Drive-in Services. Uses which involve the sale of products or provision of services to occupants in vehicles.

78. Detached. Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.



79. Driveway. A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.

80. Duplex Residential. The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units.

81. Dwelling Unit. 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, as defined herein, maintaining a household.

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82. Easement. 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.

83. Emergency Residential Services. A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

84. Enclosed. A roofed or covered space fully surrounded by walls.

~~85. Family. One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 4 of whom may be unrelated. The following persons shall be considered related for the purpose of this ordinance:~~

~~—A. Persons related by blood, marriage, or adoption;~~

~~—B. Persons residing with a family for the purpose of adoption;~~

~~—C. Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Iowa.~~

~~—D. Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Iowa.~~

~~—E. Person(s) living with a family at the direction of a court.~~

86. Federal. Pertaining to the Government of the United States of America.

87. Financial Services. 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 a its primary financial institution is considered within the Personal Services Use Type .

88. Floor Area Ratio. The quotient of gross floor area divided by gross site area.

89. Food Sales. Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include

the sale of non-food items. However, The sales of non-food items may account for no more than the lesser of 25% of the sales area or 10,000 square feet of the Food Sales establishment. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

A. Convenience Food Sales: 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. Limited Food Sales: 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, small grocery stores.

C. General Food Sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 but less than 40,000 square feet. Typical uses include grocery stores and locker plants.

D. Supermarkets: Establishments selling a wide variety of food commodities, related items, and often providing a variety of non-food goods and services, using facilities larger than 40,000 square feet. Typical uses include large grocery stores.

90. Frontage. The length of a property line of any one premises abutting and parallel to a public street, private way, or court.

91. Funeral Services. 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.

92. Garage. A structure primarily designed for parking and storage of automotive vehicles and related uses and may be attached (and therefore part of the principal building) or detached (and therefore an accessory building).

93. General Industry. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, 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.

94. General Offices. Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.

95. Grade. 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 at 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.

96. **Gross Floor Area.** 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.

97. **Ground Floor.** The first floor of a building other than a cellar or basement.

98. **Group Care Facility.** A government-licensed or approved facility which provides for resident care. 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 disorder; 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.

99. **Group Home.** 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.

100. **Group Residential.** The use of a site for a residence by more than four unrelated persons, not defined as a family, on a weekly or longer basis.

101. **Guidance Services.** A use providing counseling, guidance, 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.

102. **Heavy Industry.** 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.** 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, or to the average height between eaves

and the ridge for gable, hip, shed, or gambrel roofs. 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. A facility providing medical, psychiatric, guidance, 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.

105. Home Based Business/Home Occupation. 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.

106. Horticulture. 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.

107. Hospital. A facility providing medical, psychiatric, guidance, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.

108. Housing Unit. See definition of Dwelling Unit.

109. Impervious Coverage. 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. Kennels. Boarding and care services for dogs, cats and similar small mammals or large birds. Typical uses include boarding kennels, ostrich raising facilities, pet motels, or dog training centers.

111. Landfill (Non-putrescible Solid Waste Disposal). 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.

112. Landfill (Putrescible and Non-putrescible Solid Waste Disposal). 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.

113. Landscaped Area. 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, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

A. Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.

B. Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

114. Laundry Services. 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.

115. Light Industry. 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 unenclosed 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.

116. Liquor Sales. Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

117. Livestock Sales. The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns.

118. Loading Area. 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.

119. Lodging. Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

120. Lot. 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 Linn County Recorder and may consist of: (a) a single lot of record or (b) a combination of complete lots of record. 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 Creative Subdivision (see illustrations below).

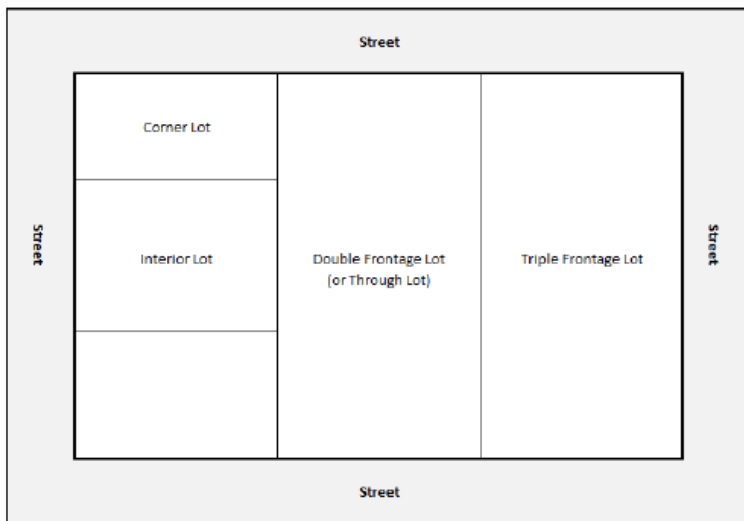
A. Corner Lot: A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.

**Commented [TG1]:** This get's to Jay's comment about combined lots of record. The code I pulled this from also allows partial lots of record, which you may not want to include unless that's a common thing in the City.

B. Double Frontage Lot: 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 time of platting or as defined by this ordinance. (Also known as a Through Lot)

C. Interior Lot: A lot other than a corner lot.

D. Common Development Lot: When two or more contiguous lots are developed as part of a Planned Unit Development, these lots may be considered a single lot for purposes of this ordinance.



121. Lot Area. The total horizontal area within the lot lines of a lot.

122. Lot Depth. The mean horizontal distance measured between the front and rear lot lines.

123. Lot Line. A property boundary line(s) 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. Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.

(a) For an interior lot, the lot line separating the lot from the right-of-way or easement.

(b) For a corner lot, 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 Zoning Administrator, or as may be noted on the final plat.

(c) For a double frontage lot, the lot lines 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. Rear Lot Line: The lot line which is opposite and most distant from the front line.

C. Side Lot Line: Any lot line that is neither a front or 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.

124. Lot Width. 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.

125. Maintenance Facilities. 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.

126. Manufactured Home Dwelling. A factory-built structure built under authority of 42 U.S.C. §5403, that is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976.

127. Manufactured Home Residential. Use of a site for one or more manufactured home dwellings, as defined.

128. Medical Offices. Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the State of Iowa.

129. Mixed Use Building. A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

130. Mixed Use Development. A single development which incorporates complementary land use types into a single development.

131. Mobile Homes. Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

132. Mobile Home Park. A site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on

developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term “mobile home park” shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

133. **Mobile Home Subdivision.** A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may 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 purpose of display, inspection, sale, or storage.

134. **Modular Home.** A factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted pursuant to Iowa Code section 103A.7, and must display the seal issued by the state building code commissioner.

135. **Multi-Family Residential.** The use of a site for three or more dwelling units not otherwise defined as townhouse units. The Multi-Family Residential use type includes:

A. **Multi-Family Residential (Small-scale):** Use of a site for between 3 and 8 units in one building within a single development.

B. **Multi-Family Residential (Large-scale):** Use of a site for more than 8 units in one building within a single development.

136. **Nonconforming Development.** A building, structure, or improvement that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the building, structure, or improvement.

137. **Nonconforming Lot.** A lot which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.

138. **Nonconforming Sign.** A sign that was legally erected prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

139. **Nonconforming Structure.** A structure that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning ordinance. No action can be taken that would increase the non-conforming characteristics of the structure, except in conformance with the Design Standards of the City of Mount Vernon.



140. Nonconforming Use. A land use that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning ordinance. No action can be taken that would increase the non-conforming characteristics of the land use.

141. Nuisance. See Section 50.02, Chapter 50, Code of Ordinances.

142. Open Space. Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.

143. Off-Street Parking. Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.

144. Outdoor Storage. The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.

145. Overlay District. A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.

146. Owner. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in land, property or structure.

147. Park and Recreation Services. Publicly-owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers, and open spaces.

148. Parking Facility. 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 Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is distinct from parking, and is governed by provisions of Article 9.

149. Parking Spaces. 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 townhome residential uses shall be considered to have a means of access to a public street.

150. Parking Structure. The use of a site for a multilevel 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.

151. Paved. Permanently surfaced with poured concrete, concrete pavers, or asphalt.

152. Permanent Foundation. A permanent frost-free perimeter foundation is one having footings below the frost line and a continuous foundation wall of concrete, concrete block, wood, or stone. The permanent foundation for a manufactured home, however, may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site; provided, however, (1) the footings for the pier

foundations are placed below the frost line and (2) the manufactured home is skirted with construction materials giving the appearance of a poured concrete, cement block or stone foundation to insure visual compatibility with surrounding residential structures. Ground level additions to a dwelling unit that are served by the dwelling unit's principal heating source require permanent frost-free perimeter foundations. Other enclosed additions to dwelling units may have a pier footing foundation system provided (1) the footings for the pier foundations are placed below the frost line and (2) no pier footing foundations are placed in the front yard of the lot upon which the dwelling is situated. A permanent foundation shall not include footings for steps, porches, decks or stoops.

153. Permitted Use. A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.

154. Personal Improvement Services. Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction.

155. 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; television or electronics repair; or dry cleaning stations serving individuals and households.

156. Pet Services. Retail sales, incidental 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.

157. Planning Commission. The Planning and Zoning Commission of the City of Mount Vernon, as authorized pursuant to Chapter 414, Code of Iowa.

158. Planned Unit Development. 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.

159. Porch. A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

160. Postal Facilities. Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

161. Premises. A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

162. Primary Educational Facilities. A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa.
163. Principal Use. The main use of land or structures as distinguished from an accessory use.
164. Private Garage. 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.
165. Projections (into yards). Parts of buildings such as architectural features that extend beyond the building's exterior wall.
166. Property Line. See "Lot Line."
167. Public Assembly. Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.
168. Railroad Facility. Railroad yards, equipment servicing facilities, and terminal facilities.
169. Recreational Vehicle - 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, boats, and boat trailers.
170. Recycling Collection. Any site which is used in whole or part for the receiving or collection of any post-consumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
171. Recycling Processing. Any site which is used for the processing of any post-consumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
172. Regulation. A specific requirement set forth by this Zoning Ordinance which must be followed.
173. Religious Assembly. A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use.
174. Remote Parking. A supply of off-street parking at a location not on the site of a given development.

175. Research Services. 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.

176. Resource Extraction. 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, mining.

177. Restaurants. A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 per cent of the establishment's gross income.

A. Restaurant (Drive-in or Fast Food): An establishment which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.

B. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

178. Restricted Businesses. Any business activity which offers the opportunity to view sexual activities or view or touch anatomical areas for entertainment purposes in a manner that offends contemporary standards in the community of Mount Vernon, depicts or describes sexual conduct in a patently offensive way, and lacks serious literary, artistic, political, or scientific value. 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.

179. Retail Services. 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, photograph 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; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). General Retail Services include:

A. Limited Retail Services: Establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Mount Vernon and its surrounding vicinity.

B. Medium Retail Services: Establishments providing retail services, occupying facilities between 3,001 and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Mount Vernon and its surrounding vicinity.

C. Large Retail Services: Establishments providing retail services, occupying facilities between 10,001 and 20,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Mount Vernon and its surrounding vicinity.

D. Mass Retail Services: Establishments providing retail services, occupying facilities over 20,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Mount Vernon and the eastern part of the Cedar Rapids metropolitan region.

180. Retirement Residence. A building or group of buildings which provide residential facilities for more than four residents. 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 may include additional health care supervision or nursing care.

181. Salvage Services. 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.

182. Safety Services. Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

183. Secondary Educational Facilities. 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.

184. Screening. 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 ordinance.

185. Setback, general. The allowed distance between a front, side or rear lot line and the corresponding front, side or rear building line.

186 Sign. A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

187. Single-Family Residential. The use of a site for one dwelling unit, occupied by one family. Mobile home units are not a single-family use type. See below categories for such units.

A. Single-Family Residential (Detached): 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. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.

188. Site. 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 ordinance.

189. Site Plan. 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 any other information that may be reasonably requested by the City in order that an informed decision can be made on the associated request.

190. Special Exception. A use specified in these regulations identifying specific conditions, limitations or restrictions, and which is subject to review for approval, or denial by the Board of Adjustment according to the provisions set forth in this Ordinance.

191. Stables and/or Riding Academies. The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

192. State. The State of Iowa.

193. Story. The portion of a building included between the surface of any floor and the surface of the next floor above it; 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.

194. Street. 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 Statute.

195. Street, Intersecting and Principal. In regard to a site, the principal street shall be the street to which the majority of lots on a block face are oriented; the intersecting street shall be a street other than a principal street.

196. Street, Local. A street which is used primarily for access to the abutting properties.

197. Street, Major. 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 or the street planning map.

198. Structure. Any object constructed or built, as required by the building code, and attached or anchored permanently or semi-permanently to the ground in such a way as to prevent routine movement.

199. Surplus Sales. Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.

200. Townhouse. A dwelling unit having 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.

201. Townhouse Residential. The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

202. Townhouse Structure. A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

203. Trade Services. 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.

204. Transportation Terminal. Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

205. Truck Terminal. A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

206. Uptown Residential. The use of upper levels above street level of a building within the Town Center and Central Business Districts of the City of Mount Vernon for single- or multi-family residential uses.

207. Urban farming - The practice of cultivating, processing, and distributing food within the city limits. Urban farming is the growing of product to be sold as opposed to being grown for personal consumption or sharing.

208. Use. The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

209. Utilities. Any structures or facilities, other than lines, poles, lift stations, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

210. Variance. A device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.

211. 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 beyond 21 days constitutes an Industrial Use Type.

212. 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. Long-term storage of 21 days or less constitutes a Commercial Use Type.

213. Veterinary Services. Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria, and veterinary hospitals for livestock and large animals.

214. Warehousing (Enclosed). Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

215. Warehousing (Open). Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

216. Yard; Required. 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 by permitted uses, accessory uses or conditional uses, or anything specifically regulated by this ordinance (see illustrations below).

A. Front Yard: The space extending the full width of a lot between the principal building foundation line and the front lot 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:

(a) The yard along the blockface to which a greater number of structures are oriented;  
or

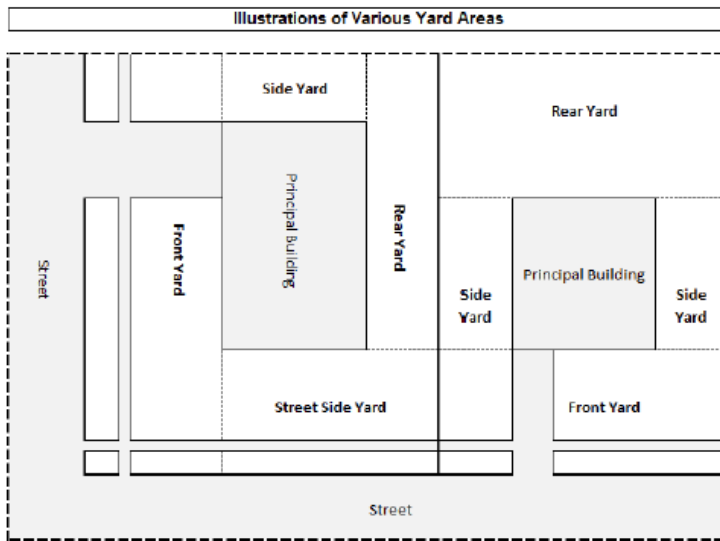
(b) The yard along a street that has the smaller horizontal dimension.



B. Rear Yard: The space extending the full width of a lot between the principal building foundation line and the rear lot line.

C. Side Yard: The space extending from the front yard to the rear yard between the principal building and the side lot line.

D. Street Side Yard: On a corner lot, the space extending from the front yard to the rear lot line, between the principal building and the street side lot line.



217. Zoning Administrator. The designee of the City Council primarily responsible for the interpretation, administration, and enforcement of the Mount Vernon Zoning Ordinance.

218. Zoning District. 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 Ordinance (includes base districts and overlay districts).

219. Zoning Map. The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

#### 400 ARTICLE FOUR: ZONING DISTRICT REGULATIONS

#### 401 DISTRICTS ESTABLISHED.

The City is herewith divided into the following districts, including overlay districts:

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1. Base Districts: AG Agricultural

SR Suburban Residential

NR New Residential

TR Traditional Residential

HR High-Density Residential

CB Central Business

TC Town Center

UC Mixed-Use Corridor

LC Limited Commercial

GC General Commercial

BP Business Park

LI Limited Industrial

2. Overlay Districts: MU Mixed Use

PUD Planned Unit Development

ED Environmental Resources

HD Historic

P Public

FP / FW Floodplain / Floodway

3. These districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter.

4. 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. These districts may be applied to a parcel in combination with a Base Zoning District. Specific purposes and standards for each Overlay District are detailed in the Special Overlay Districts section, page 62.

5. In the event of any question as to the appropriate use types of any existing or proposed use or activity, within any zoning district, the Zoning Administrator of the City of Mount Vernon shall have the authority to determine the appropriate use type. A determination of the Zoning Administrator may be appealed to the Board of Adjustment. In making such determinations, the Zoning Administrator and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as

examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

6. The Zoning Administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

## 402 AG - AGRICULTURAL DISTRICT.

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The AG District is intended to provide for and preserve the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. The district is designed to maintain complete agricultural uses within the Mount Vernon jurisdiction.

1. Permitted Uses. The following uses are permitted in the AG District:

- A. Agriculture uses, including the usual agricultural buildings and structures, crop production, animal production, horticulture and excluding offensive uses, commercial feedlots and livestock sales.
- B. Alternative energy production (wind, solar, etc.).
- C. Amateur radio tower.
- D. Campground.
- E. Cemetery.
- F. Home occupations in compliance with Section 610 of this ordinance.
- G. Kennels.
- H. Parks and recreation uses.
- I. Religious assembly.
- J. Safety services.
- K. Single-family detached dwellings.
- L. Stables.

2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District.

A. Accessory dwelling unit

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

- B. Private garages, barns and other farm buildings.

C. Roadside stands offering for sale only agricultural products or other products produced on the premises.

D. Small, non-commercial, storage sheds.

E. Swimming pools.

F. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

3. Conditional Uses. Certain uses may be permitted in the AG District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.

A. Agricultural sales and services.

B. Animal shelters.

C. Aviation.

D. Bed and breakfast.

E. Broadcasting tower.

F. Clubs (social and recreational).

G. Day care.

H. Equipment repair.

I. Greenhouses and nurseries.

J. Maintenance facility.

K. Pet services and veterinary services.

L. Publicly operated sanitary landfills.

M. Public or private utility substations, relay stations, etc.

N. Publicly owned and operated buildings and facilities.

O. Resource extraction.

P. Single-family attached dwellings.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District.

Regulations	<del>AG</del> Agricultural uses	Single-family dwellings	Other uses
Regulations	AG uses	Single-family dwellings	Other uses

Commented [TG2]: "Ag uses" AG symbol for district.

Minimum lot area (acres)	5 acres	1 acre	5 acres
Minimum lot width and depth (feet)	150 (width) 150 (depth)	150 (width) 150 (depth)	200 (width) 200 (depth)
Site area per housing unit (acres)	5 acres	1/2 acre (min.) 1 acre (max.)	NA
Minimum front yard setback (feet) *	50	50	50
Minimum street side yard setback (feet) *	50	50	50
Minimum interior side yard setback (feet) *	25	25	25
Minimum rear yard setback (feet) *	50	50	50
Maximum height main building (feet)	NA	35	50
Maximum height accessory building (feet)	NA	12	20
Maximum Building Coverage	15%	25%	15%
Maximum Impervious Coverage	25%	35%	25%
Floor Area Ratio	NA	NA	NA
Maximum distance between building faces across street (feet)	NA	NA	NA
Maximum amount of total parking located in street yard	NA	NA	NA

\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

In no case shall a garage face be more than ten (10) feet in front of the corresponding dwelling unit.

5. Off-street Parking and Loading. See Article 9, page 108.

6. Signs. See Article 10, page 119.

## 403 SR – SUBURBAN RESIDENTIAL DISTRICT.

This district is intended to accommodate conventional contemporary residential development, characterized by low densities and relatively large front-yard setbacks. While

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these districts provide primarily for single-family residential uses, they also accommodate a variety of other types of residential development.

1. Permitted Uses. The following uses are permitted in the SR District:

- A. Duplex.
- B. Emergency residential.
- C. Home occupations in compliance with Section 610 of this ordinance.
- D. Manufactured housing.
- E. Multi-family (Small-scale).
- F. Parks and recreation uses.
- G. Single-family attached and detached dwellings.
- H. Townhouse.

2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the SR District:

**A. Accessory dwelling unit**

- A. Private garages.
- B. Small, non-commercial, storage sheds.
- C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- D. Swimming pools.

3. Conditional Uses. Certain uses may be permitted in the SR District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.

- A. Alternative energy production (wind, solar, etc.)
- B. Amateur radio tower.
- C. Bed and breakfast.
- D. Cemetery.
- E. Clubs (social and recreational).
- F. College / University.
- G. Convalescent services.
- H. Day care.

**Commented [TG3]:** This is where the use could be added to each district. It can also be added as a conditional use, but that's probably not necessary.

- I. Group home.
- J. Mobile home subdivision.
- K. Public or private utility substations, relay stations, etc.
- L. Religious assembly.
- M. Retirement residential.
- N. Safety services.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all SR Districts:

Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Minimum lot area (sq. ft. unless otherwise noted)	7,500	8,500	10,200	1 acre
Minimum lot width and depth (feet)	60 (width) 60 (depth)	65 (width) 65 (depth)	80 (width) 80 (depth)	150 (width) 150 (depth)
Site area per housing unit (square feet)	7,500	4,250	3,400 *	NA
Minimum front yard setback (feet) **	35	35	35	35
Minimum street side yard setback (feet) **	15	15	15	15
Minimum interior side yard setback (feet) **	7	10	10	25
Minimum rear yard setback (feet) **	35	35	35	50
Maximum height main building (feet)	35	35	35	50
Maximum height accessory building (feet)	12	12	12	20
Maximum Building Coverage	35%	35%	35%	35%
Maximum Impervious Coverage	45%	45%	45%	45%
Floor Area Ratio	NA	NA	NA	NA
Maximum distance between building faces across street (feet)	NA	NA	NA	NA

Maximum amount of total parking located in street yard      NA                      NA                      NA                      NA

\* For 3 units; for 4 to 8 units: 3,000 sq. ft. for the first 4 units and 2,000 sq. ft. for each additional unit.

\*\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

In no case shall a garage face be more than ten (10) feet in front of the corresponding dwelling unit.

5. Off-street Parking and Loading. See Article 9, page 108.

6. Signs. See Article 10, page 119.

#### 404 NR – NEW RESIDENTIAL DISTRICT.

This district is intended to provide for new single-family residential neighborhoods in Mount Vernon and to encourage new development consistent with the styles and proportions of contemporary development practices. These districts are characterized by moderate yard size, and may deviate from regular proportional relationships of lots and blocks. The NR District provides for diverse housing types, with regulations designed to maintain the quality and value of residential neighborhoods.

1. Permitted Uses. The following uses are permitted in the NR District:

- A. Duplex.
- B. Emergency residential.
- C. Home occupations in compliance with Section 610 of this ordinance.
- D. Manufactured housing.
- E. Multi-family (Small-scale).
- F. Parks and recreation uses.
- G. Single-family attached and detached dwellings.
- H. Townhouse.

2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the NR District:

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**A. Accessory dwelling unit**

**Commented [TG4]:** This is where the use could be added to each district. It can also be added as a conditional use, but that's probably not necessary.

- A. Private garages.
  - B. Small, non-commercial, storage sheds.
  - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - D. Swimming pools.
3. Conditional Uses. Certain uses may be permitted in the NR District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.
- A. Alternative energy production (wind, solar, etc.)
  - B. Amateur radio tower.
  - C. Bed and breakfast.
  - D. Cemetery and funeral services.
  - E. Clubs (social and recreational).
  - F. Convalescent services.
  - G. Day care.
  - H. Primary and secondary education.
  - I. Public or private utility substations, relay stations, etc.
  - J. Religious assembly.
  - K. Retirement residential.
  - L. Safety services

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all NR Districts:

Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Minimum lot area (square feet)	7,500	<del>8,000</del> 500	<del>8,000</del> 10,200	10,000
Minimum lot width and depth (feet)	60 (width) 60 (depth)	75 (width) 75 (depth)	80 (width) 80 (depth)	80 (width) 80 (depth)

Site area per housing unit (square feet)	7,500	4,250	3,400 *	NA
Minimum front yard setback (feet) **	20	20	20	25
Minimum street side yard setback (feet) **	15	15	15	15
Minimum interior side yard setback (feet) **	7	7	7	15
Minimum rear yard setback (feet) **	30	30	30	30
Maximum height main building (feet)	35	35	35	50
Maximum height accessory building (feet)	12	12	12	20
Maximum Building Coverage	40%	40%	40%	40%
Maximum Impervious Coverage	50%	50%	50%	50%
Floor Area Ratio	NA	NA	NA	NA
Maximum distance between building faces across street (feet)	NA	NA	NA	NA
Maximum amount of total parking located in street yard	NA	NA	NA	35%

**Commented [TG5]:** Make consistent w/ minimum lot area?

\* For 3 units; for 4 to 8 units: 3,000 sq. ft. for the first 4 units and 2,000 sq. ft. for each additional unit.

\*\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

In no case shall a garage face be more than ten (10) feet in front of the corresponding dwelling unit.

5. Off-street Parking and Loading. See Article 9, page 108.

6. Signs. See Article 10, page 119.

405 TR – TRADITIONAL RESIDENTIAL DISTRICT.

This district is intended to provide for traditional residential neighborhoods in Mount Vernon and to encourage new development consistent with the patterns and proportions of traditional development. These districts are characterized by maximum distances between building facades, relatively shallow front-yard setbacks, and regular proportional relationships of lots and blocks. The TR District provides for diverse housing types, with regulations designed to maintain the quality and value of residential neighborhoods.

1. Permitted Uses. The following uses are permitted in the TR District:

- A. College / university.
- B. Cultural services.
- C. Duplex.
- D. Emergency residential.
- E. Group home.
- F. Home occupations in compliance with Section 610 of this ordinance.
- G. Manufactured housing.
- H. Multi-family (Small-scale).
- I. Parks and recreation uses.
- J. Single-family attached and detached dwellings.
- L. Townhouse.

2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the TR District:

**A. Accessory dwelling unit**

- A. Private garages.
- B. Small, non-commercial, storage sheds.
- C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- D. Swimming pools.

3. Conditional Uses. Certain uses may be permitted in the TR District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.

- A. Alternative energy production (wind, solar, etc.)
- B. Amateur radio tower.

**Commented [TG6]:** This is where the use could be added to each district. It can also be added as a conditional use, but that's probably not necessary.

- C. Bed and breakfast.
- D. Cemetery and funeral services.
- E. Clubs (social and recreational).
- F. Convalescent services.
- G. Day care.
- H. Hospitals and health care.
- I. Primary and secondary education.
- J. Public or private utility substations, relay stations, etc.
- K. Religious assembly.
- L. Retirement residential.
- M. Safety services

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all TR Districts:

Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Minimum lot area (square feet)	7,500	<del>7,500</del> 8,500	<del>7,500</del> 10,200	10,000
Minimum lot width and depth (feet)	60 (width) 60 (depth)	75 (width) 75 (depth)	80 (width) 80 (depth)	80 (width) 80 (depth)
Site area per housing unit (square feet)	7,500	4,250	3,400 *	NA
Minimum / maximum front yard setback (feet) **	15 (min.) 25 (max.)	15 (min.) 25 (max.)	15 (min.) 25 (max.)	15
Minimum street side yard setback (feet) **	15	15	15	15
Minimum interior side yard setback (feet) **	5	5	5	15
Minimum rear yard setback (feet) **	30	30	30	30
Maximum height main building (feet)	35	35	35	50
Maximum height accessory	12	12	12	20

**Commented [TG7]:** Make consistent w/ minimum lot area?

building (feet)				
Maximum Building Coverage	40%	40%	40%	40%
Maximum Impervious Coverage	50%	50%	50%	50%
Floor Area Ratio	NA	NA	NA	NA
Maximum distance between building faces across street (feet)	NA	NA	NA	NA
Maximum amount of total parking located in street yard	NA	NA	NA	35%

\* For 3 units; for 4 to 8 units: 3,000 sq. ft. for the first 4 units and 2,000 sq. ft. for each additional unit.

\*\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

In no case shall a garage face be more than ten (10) feet in front of the corresponding dwelling unit.

5. Off-street Parking and Loading. See Article 9, page 108.

6. Signs. See Article 10, page 119.

#### 406 HR – HIGH-DENSITY RESIDENTIAL DISTRICT.

This district is intended to provide locations for larger-scale multiple-family housing developments, with supporting and appropriate community facilities. It also permits some non-residential uses such as offices through a special permit procedure, to permit the development of mixed use neighborhoods.

1. Permitted Uses. The following uses are permitted in the HR District:

- A. Bed and breakfast.
- B. College / university.
- D. Convalescent services.
- D. Cultural services.
- E. Duplex.
- F. Emergency residential.

- G. Group home.
- H. Home occupations in compliance with Section 610 of this ordinance.
- I. Manufactured housing.
- J. Multi-family (Small- and Large-scale).
- K. Parks and recreation uses.
- L. Religious assembly.
- M. Retirement residential.
- N. Safety services.
- O. Single-family attached and detached dwellings.
- P. Townhouse.

2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the HR District:

**A. Accessory dwelling unit**

- A. Private garages.
- B. Small, non-commercial, storage sheds.
- C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- D. Swimming pools.

3. Conditional Uses. Certain uses may be permitted in the HR District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.

- A. Alternative Energy production (wind, solar, etc.)
- B. Amateur radio tower.
- C. Cemetery and funeral services.
- D. Clubs (social and recreational).
- E. Day care.
- F. Hospitals and health care.
- G. Mobile home park and mobile home park subdivision.
- H. Primary and secondary education.
- I. Public or private utility substations, relay stations, etc.

**Commented [TG8]:** This is where the use could be added to each district. It can also be added as a conditional use, but that's probably not necessary.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all HR Districts:

Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Other Uses
Minimum lot area (square feet)	7,500	7,500	<del>7,500</del> 9,000	10,000
Minimum lot width and depth (feet)	60 (width) 60 (depth)	75 (width) 75 (depth)	80 (width) 80 (depth)	80 (width) 80 (depth)
Site area per housing unit (square feet)	7,500	3,750	*	NA
Minimum / maximum front yard setback (feet) **	15 (min.) 25 (max.)	15 (min.) 25 (max.)	15 (min.) 25 (max.)	15
Minimum street side yard setback (feet) **	15	15	15	15
Minimum interior side yard setback (feet) **	5	5	5	15
Minimum rear yard setback (feet) **	30	30	30	30
Maximum height main building (feet)	35	35	35	50
Maximum height accessory building (feet)	12	12	12	20
Maximum Building Coverage	50%	50%	50%	50%
Maximum Impervious Coverage	60%	60%	60%	60%
Floor Area Ratio	NA	NA	NA	NA
Maximum distance between building faces across street (feet)	100	100	100	NA
Maximum amount of total parking located in street yard	NA	NA	NA	35%

\* For Multi-Family (Small Scale - 3-8 units): 3,000 sq. ft. for the first 4 units; 2,000 sq. ft. for each additional unit. For Multi-Family (Large Scale - 9 or more units): 3,000 sq. ft. for the first 4 units; 2,000 sq. ft. for units 5 through 8; 1,000 sq. ft. for each additional unit.

\*\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

In no case shall a garage face be more than ten (10) feet in front of the corresponding dwelling unit.

5. Off-street Parking and Loading. See Article 9, page 108.
6. Signs. See Article 10, page 119.
7. Buffering and Screening. Non-residential uses in this district are subject to the buffering and screening regulations in Article 8, page 104.

## 407 CB – CENTRAL BUSINESS DISTRICT.

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This district is intended to provide appropriate development regulations for Mount Vernon's historic central business district and to encourage the development concepts proposed in the city's Comprehensive Plan. The regulations will recognize the mixed use and civic character of the area, and will help to reinforce the quality and economic health of the district by preserving its basic character. This character is defined by intimate, small-scale buildings, main street atmosphere, and limited, well-designed signage.

1. Permitted Uses. The following uses are permitted in the CB along with any uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those listed below as permitted uses, and which will not be detrimental to the district:

- A. Administration, including any governmental facilities.
- B. College / university.
- C. Cultural services.
- D. Custom manufacturing.
- E. Food sales (limited).
- F. Funeral services.
- G. General offices, including financial services.
- H. Health care and medical offices.
- I. Home occupations in compliance with Section 610 of this ordinance.
- J. Parks and recreation uses.
- K. Personal services / personal improvement.
- L. Pet services / veterinary services.



- M. Religious assembly.
  - N. Restaurants (general).
  - O. Retail (limited / medium / large).
  - P. Uptown residential.
2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the CB District:
- A. Private garages.
  - B. Small, non-commercial, storage sheds.
  - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
3. Conditional Uses. Certain uses may be permitted in the CB District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.
- A. Amateur radio tower
  - B. Cocktail lounge.
  - C. Day care.
  - D. Detention facility.
  - E. Food sales (convenience).
  - F. Food sales (general).
  - G. Guidance services.
  - H. Hospitals.
  - I. Liquor sales.
  - J. Lodging.
  - K. Primary and Secondary education.
  - L. Trade services.
  - M. Utilities.
4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in all CB Districts (The Planning and Zoning Commission may establish different regulations for sites within CB District, based on the recommendations of the Comprehensive Plan or on specific redevelopment plans or projects within the districts):

Regulations	Permitted Uses
Regulations	Permitted Uses
Minimum lot area	None
Minimum lot width and depth (feet)	20 (width) 80 (depth)
Site area per housing unit (square feet)	NA
Minimum front yard setback (feet) *	0 (min.) 15 (max.)
Minimum street side yard setback (feet) *	0
Minimum interior side yard setback (feet)*	0
Minimum rear yard setback (feet) *	0
Maximum height main building (feet)	45
Maximum height accessory building (feet)	12
Maximum Building Coverage	100%
Maximum Impervious Coverage	100%
Floor Area Ratio	2.0
Maximum distance between building faces across street (feet)	100
Maximum amount of total parking located in street yard	0%

\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

In no case shall a garage face be more than ten (10) feet in front of the corresponding dwelling unit.

5. Off-street Parking and Loading. See Article 9, page 108.

6. Signs. See Article 10, page 119.

#### 408 TC – TOWN CENTER DISTRICT.

This district is intended to provide appropriate development regulations for Mount Vernon's historic Uptown District, not including the defined CB, and to encourage the development concepts proposed in the city's Comprehensive Plan. The regulations will recognize the mixed use and civic character of the area, and will help to reinforce the quality and economic health of the district by preserving its basic character. This character is defined by intimate, small-scale buildings, and limited, well-designed signage.

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1. Permitted Uses. The following uses are permitted in the TC District along with any uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those listed below as permitted uses, and which will not be detrimental to the district:

- A. Administration, including any governmental facilities.
- B. Bed and breakfast.
- C. College / university.
- D. Cultural services.
- E. Custom manufacturing.
- F. Duplex.
- G. Food sales (limited).
- H. Funeral services.
- I. General offices, including financial services.
- J. Group home.
- K. Health care and medical offices.
- L. Home occupations in compliance with Section 610 of this ordinance.
- M. Multi-family (Small- and Large-scale).
- N. Parks and recreation uses.
- O. Personal services / personal improvement.
- P. Pet services / veterinary services.
- Q. Single-family attached and detached dwellings.
- R. Townhouse.
- S. Religious assembly.
- T. Restaurants (general).
- U. Retail (limited / medium / large).
- V. Retirement residential.
- U. Uptown residential.

2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the TC District:

A. Accessory dwelling unit

**Commented [TG9]:** This is where the use could be added to each district. It can also be added as a conditional use, but that's probably not necessary.

- A. Private garages.
- B. Small, non-commercial, storage sheds.
- C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- D. Swimming pools.

3. Conditional Uses. Certain uses may be permitted in the TC District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.

- A. Amateur radio tower
- B. Cocktail lounge.
- C. Day care.
- D. Detention facility.
- E. Food sales (convenience).
- F. Food sales (general).
- G. Guidance services.
- H. Hospitals.
- I. Liquor sales.
- J. Lodging.
- K. Primary and Secondary education.
- L. Trade services.
- M. Utilities.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in all TC Districts (The Planning and Zoning Commission may establish different regulations for sites within TC Districts, based on the recommendations of the Comprehensive Plan or on specific redevelopment plans or projects within the districts):

Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Commercial Uses
Regulations	Single-family dwellings	Duplex	Multi-family dwellings	Commercial Uses
Minimum lot area (square feet)	7,500	7,500	7,500	None
Minimum lot width and depth	60 (width)	75	80 (width)	20 (width)

(feet)	60 (depth)	(width) 75 (depth)	80 (depth)	80 (depth)
Site area per housing unit (square feet)	1,000	1,000	1,000	NA
Minimum front yard setback (feet) **	25	25	25	0 (min.) 15 (max.)
Minimum street side yard setback (feet) **	15	15	15	0
Minimum interior side yard setback (feet) **	10	10	10	010*
Minimum rear yard setback (feet) **	25	25	25	025*
Maximum height main building (feet)	45	45	45	45
Maximum height accessory building (feet)	12	12	12	12
Maximum Building Coverage	50%	50%	50%	100%
Maximum Impervious Coverage	60%	60%	60%	100%
Floor Area Ratio	NA	NA	NA	2.0
Maximum distance between building faces across street (feet)	100	100	100	100
Maximum amount of total parking located in street yard	NA	NA	NA	0%

\* If adjacent to a residential district

\*\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

In no case shall a garage face be more than ten (10) feet in front of the corresponding dwelling unit.

5. Off-street Parking and Loading. See Article 9, page 108.

6. Signs. See Article 10, page 119.

409 UC – MIXED-USE URBAN CORRIDOR DISTRICT.

This district recognizes the mixed use character of the First Avenue Corridor, which contains a combination of residential, commercial, and office uses. The mixed use character of this corridor between Palisades Road and the Town Center district will continue to emerge. This corridor will include special aesthetic and sign design standards which will help enhance its status as a principal entrance and arterial in Mount Vernon, and to maintain its character as an urban street.

1. Permitted Uses. The following uses are permitted in the UC District along with any uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those listed below as permitted uses, and which will not be detrimental to the district:

- A. Administration, including any governmental facilities.
- B. Bed and breakfast.
- C. Cultural services.
- D. Construction sales / service (limited).
- E. Corporate offices.
- F. Duplex.
- G. Emergency residential.
- H. Food sales (limited).
- I. Funeral services.
- J. General offices, including financial services.
- K. Guidance services.
- L. Health care and medical offices, including hospitals.
- M. Home occupations in compliance with Section 610 of this ordinance.
- N. Manufactured housing.
- O. Parks and recreation uses.
- P. Personal services / personal improvement.
- Q. Pet services / veterinary services.
- R. Primary and secondary education.
- S. Religious assembly.
- T. Restaurants (general).

U. Retail (limited).

V. Single-family detached and attached dwellings.

W. Townhouse.

2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the UC District:

**A. Accessory dwelling unit**

A. Private garages.

B. Small, non-commercial, storage sheds.

C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

D. Swimming pools.

3. Conditional Uses. Certain uses may be permitted in the UC District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.

A. Alternative energy production (wind, solar, etc.).

B. Amateur radio tower

C. Cocktail lounge.

D. Commercial recreation.

E. Convalescent services.

F. Custom manufacturing.

G. Day care.

H. Food sales (general).

I. Group home.

J. Liquor sales.

K. Lodging.

L. Multi-family (Small- and Large-scale).

M. Retail (medium).

N. Retirement residential.

O. Utilities.

P. Trade services.

**Commented [TG10]:** This is where the use could be added to each district. It can also be added as a conditional use, but that's probably not necessary.

Q. Transportation terminal.

R. Urban farming.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all UC Districts (The Planning and Zoning Commission may establish different regulations for sites within UC Districts, based on the recommendations of the Comprehensive Plan or on specific redevelopment plans or projects within the districts):

Regulations	Single-family dwellings	Duplex or two-units	Multi-family dwellings	Commercial Uses
Regulations	Single-family dwellings	Duplex or two-units	Multi-family dwellings	Commercial Uses
Minimum lot area (square feet)	7,500	7,500	7,500	7,500
Minimum lot width and depth (feet)	60 (width) 60 (depth)	75 (width) 75 (depth)	80 (width) 80 (depth)	80 (width) 80 (depth)
Site area per housing unit (square feet)	7,500	3,750	3,000 (limited)* 3,000 (general)**	NA
Minimum front yard setback (feet) ***	15	15	15	15 (min.) 35 (max.)
Minimum street side yard setback (feet) ***	15	15	15	15
Minimum interior side yard setback (feet) ***	10	10	10	10
Minimum rear yard setback (feet) ***	30	30	30	30
Maximum height main building (feet)	35	35	35	35
Maximum height accessory building (feet)	12	12	12	12
Maximum Building Coverage	50%	50%	50%	50%
Maximum Impervious Coverage	60%	60%	60%	60%
Floor Area Ratio	1.0	1.0	1.0	1.0
Maximum distance between building faces across street (feet)	NA	NA	NA	NA
Maximum amount of total	NA	NA	NA	35%



parking located in street  
yard

\* For first 4 units; 2,000 sq. ft. for each additional unit

\*\* For first 4 units; 2,000 sq. ft. for units 5 through 8; 1,000 sq. ft. for each additional unit

\*\*\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

In no case shall a garage face be more than ten (10) feet in front of the corresponding dwelling unit.

5. Off-street Parking and Loading. See Article 9, page 108.

6. Signs. See Article 10, page 119.

7. Landscaping, Buffering and Screening. Non-residential uses in this district are subject to the buffering, landscaping and screening regulations in Article 8, page 104.

#### 410 LC – LIMITED COMMERCIAL / OFFICE DISTRICT.

This district reserves appropriately located areas for office and community-oriented commercial development and distinguishes these from other, more intensive commercial activities. The commercial and office uses permitted are compatible with nearby residential and civic areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.

1. Permitted Uses. The following uses are permitted in the LC District along with any uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those listed below as permitted uses, and which will not be detrimental to the district:

- A. Administration, including any governmental facilities.
- B. Bed and breakfast.
- C. Construction sales / service.
- D. Convalescent services.
- E. Corporate offices.
- F. Cultural services.
- G. Custom manufacturing.

- H. Emergency residential and group homes.
  - I. Funeral services.
  - J. General offices, including financial services.
  - K. Health care and medical offices, including hospitals.
  - L. Lodging.
  - M. Parks and recreation uses.
  - N. Personal services / personal improvement.
  - O. Pet services / veterinary services.
  - P. Primary and secondary education.
  - Q. Religious assembly.
  - R. Restaurants (general).
2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the LC District:
- A. Private garages.
  - B. Small, non-commercial, storage sheds.
  - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
3. Conditional Uses. Certain uses may be permitted in the LC District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.
- A. Alternative energy production (wind, solar, etc.).
  - B. Amateur radio tower
  - C. Auto services.
  - D. Broadcast tower.
  - E. Business / trade school.
  - F. College / university.
  - G. Commercial recreation.
  - H. Consumer service.
  - I. Convenience storage.
  - J. Day care.

- K. Food sales (convenience).
- L. Food sales (general).
- M. Food sales (limited).
- N. Liquor sales.
- O. Multi-family (Small- and Large-scale).
- P. Recycling collection.
- Q. Restaurants (drive-in).
- R. Retail (limited / medium / large).
- S. Trade services.
- T. Transportation terminal.
- U. Urban farming.
- V. Utilities.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all LC Districts:

Regulations	Multi-family dwellings	Commercial Uses
Regulations	Multi-family dwellings	Commercial Uses
Minimum lot area (square feet)	7,500	7,500
Minimum lot width and depth (feet)	60 (width) 60 (depth)	60 (width) 60 (depth)
Site area per housing unit (square feet)	3,000 (limited)* 3,000 (general)**	NA
Minimum front yard setback (feet) ***	15	25
Minimum street side yard setback (feet) ***	10	10
Minimum interior side yard setback (feet) ***	10	10
Minimum rear yard setback (feet) ***	20	20
Maximum height main building (feet)	35	35
Maximum height accessory building (feet)	12	12
Maximum Building Coverage	50%	50%
Maximum Impervious Coverage	70%	70%
Floor Area Ratio	1.0	0.5
Maximum distance between building faces across	NA	NA

street (feet)

Maximum amount of total parking located in street NA 50%  
yard

\* For first 4 units; 2,000 sq. ft. for each additional unit

\*\* For first 4 units; 2,000 sq. ft. for units 5 through 8; 1,000 sq. ft. for each additional unit

\*\*\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

In no case shall a garage face be more than ten (10) feet in front of the corresponding dwelling unit.

5. Off-street Parking and Loading. See Article 9, page 108.

6. Signs. See Article 10, page 119.

7. Landscaping, Buffering and Screening. Non-residential uses in this district are subject to the buffering, landscaping and screening regulations in Article 8, page 104.

#### 411 GC – GENERAL COMMERCIAL DISTRICT.

This district accommodates a variety of commercial uses, including auto-oriented uses, some of which have significant traffic or visual effects. These districts may include commercial uses which are oriented to highway-oriented services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. Uses in the General Commercial district serve travelers and customers from a regional as well as local basis.

1. Permitted Uses. The following uses are permitted in the GC District along with any uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those listed below as permitted uses, and which will not be detrimental to the district:

- A. Administration, including any governmental facilities.
- B. Agricultural sales / services.
- C. Auto rental / sales / services.
- D. Bed and breakfast.
- E. Business / trade school.

- F. Cocktail lounge and liquor sales.
  - G. College / university.
  - H. Construction sales / service.
  - I. Corporate offices.
  - J. Cultural services.
  - K. Custom manufacturing.
  - L. Food sales (convenience / limited / general / supermarket).
  - M. Funeral services.
  - N. General offices.
  - O. Group home.
  - P. Guidance services.
  - Q. Hospitals, health care and medical offices.
  - R. Kennels.
  - S. Lodging.
  - T. Maintenance facility.
  - U. Parks and recreation uses.
  - V. Pet services / veterinary services.
  - W. Restaurants (drive-in / general).
  - X. Surplus sales.
  - Y. Trade services.
2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the GC District:
- A. Private garages.
  - B. Small, non-commercial, storage sheds.
  - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
3. Conditional Uses. Certain uses may be permitted in the GC District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.
- A. Alternative energy production (wind, solar, etc.).

- B. Amateur radio tower
- C. Auto body repair.
- D. Broadcast tower.
- E. Campground.
- F. Commercial recreation.
- G. Consumer service.
- H. Convalescent services.
- I. Convenience storage.
- J. Day care.
- K. Detention facility
- L. Emergency residential.
- M. Equipment rental / sales / repair
- N. Light industry.
- O. Primary education.
- P. Railroad facilities.
- Q. Recycling collection
- R. Religious assembly.
- S. Transportation terminal.
- T. Utilities.
- U. Urban farming.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all GC Districts:

Regulations	Commercial Uses
Regulations	Commercial Uses
Minimum lot area (square feet)	7,500
Minimum lot width and depth (feet)	60 (width) 60 (depth)
Site area per housing unit (square feet)	NA
Minimum front yard setback (feet) *	25
Minimum street side yard setback (feet) *	10

Minimum interior side yard setback (feet) *	10
Minimum rear yard setback (feet) *	20
Maximum height main building (feet)	45
Maximum height accessory building (feet)	12
Maximum Building Coverage	60%
Maximum Impervious Coverage	80%
Floor Area Ratio	0.5
Maximum distance between building faces across street (feet)	NA
Maximum amount of total parking located in street yard	NA

\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

5. Off-street Parking and Loading. See Article 9, page 108.
6. Signs. See Article 10, page 119.
7. Landscaping, Buffering and Screening. Non-residential uses in this district are subject to the buffering, landscaping and screening regulations in Article 8, page 104.

#### 412 BP – BUSINESS PARK DISTRICT.

This district is designed to promote the development of planned business parks that accommodate corporate offices, research facilities, and structures which can combine office, distribution, and limited industrial uses. These facilities serve a more regional audience, but may provide services to local residents. They are characterized by extensive landscaping, abundant parking facilities, and good visual and pedestrian relationships among buildings.

1. Permitted Uses. The following uses are permitted in the BP District along with any uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those listed below as permitted uses, and which will not be detrimental to the district:
  - A. Administration, including any governmental facilities.
  - B. College / university.
  - C. Construction sales / service.
  - D. Corporate offices.

- E. Cultural services.
  - F. Custom manufacturing.
  - G. Food sales (limited / general / supermarket).
  - H. Funeral services.
  - I. General offices.
  - J. Group home.
  - K. Hospitals, health care, guidance services and medical offices.
  - L. Lodging.
  - M. Parks and recreation uses.
  - N. Pet services / veterinary services.
  - O. Restaurants (general).
2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the BP District:
- A. Private garages.
  - B. Small, non-commercial, storage sheds.
  - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
3. Conditional Uses. Certain uses may be permitted in the BP District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.
- A. Alternative Energy production (wind, solar, etc.).
  - B. Amateur radio tower
  - C. Commercial recreation.
  - D. Consumer service.
  - E. Convalescent services.
  - F. Day care.
  - G. Emergency residential.
  - H. Food sales (convenience).
  - I. Kennels.
  - J. Light industry.



- K. Personal services.
- L. Primary education.
- M. Religious assembly.
- N. Restaurants (drive-in).
- O. Transportation terminal.
- P. Utilities.
- Q. Warehousing.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all BP Districts:

Regulations	Commercial Uses
Regulations	Commercial Uses
Minimum lot area (square feet)	10,000
Minimum lot width and depth (feet)	75 (width) 75 (depth)
Site area per housing unit (square feet)	NA
Minimum front yard setback (feet) *	25
Minimum street side yard setback (feet) *	10
Minimum interior side yard setback (feet) *	10
Minimum rear yard setback (feet) *	20
Maximum height main building (feet)	45
Maximum height accessory building (feet)	12
Maximum Building Coverage	60%
Maximum Impervious Coverage	80%
Floor Area Ratio	1.0
Maximum distance between building faces across street (feet)	NA
Maximum amount of total parking located in street yard	NA

\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

- 5. Off-street Parking and Loading. See Article 9, page 108.
- 6. Signs. See Article 10, page 119.

7. Landscaping, Buffering and Screening. Non-residential uses in this district are subject to the buffering, landscaping and screening regulations in Article 8, page 104.

#### 413 LI – LIMITED INDUSTRIAL DISTRICT.

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.

1. Permitted Uses. The following uses are permitted in the LI District along with any uses which, in the opinion of the Planning and Zoning Commission, are of the same general character as those listed below as permitted uses, and which will not be detrimental to the district:

- A. Administration, including any governmental facilities.
- B. Agricultural sales / services.
- C. Alternative Energy production (wind, solar, etc.).
- D. Auto services / auto body repair.
- E. Business support services.
- F. Construction batch plant.
- G. Construction sales / service.
- H. Convenience storage.
- I. Corporate offices.
- J. Custom manufacturing.
- K. Equipment rental / sales / repair.
- L. General offices.
- M. Guidance services
- N. Kennels.
- O. Light industry.
- P. Maintenance facility.
- Q. Parks and recreation uses.
- R. Pet services / veterinary services.
- S. Railroad facilities.

- T. Recycling collection.
  - U. Surplus sales.
  - V. Trade services.
  - W. Transportation terminal.
  - X. Vehicle storage.
  - Y. Warehousing.
2. Accessory Uses and Buildings. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District:
- A. Private garages.
  - B. Small, non-commercial, storage sheds.
  - C. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
3. Conditional Uses. Certain uses may be permitted in the LI District subject to specific conditions and requirements, as approved by the Board of Adjustment, intended to make them compatible with and acceptable to adjacent uses.
- A. Amateur radio tower
  - B. Broadcasting tower.
  - C. Commercial recreation.
  - D. Construction yards.
  - E. Consumer service.
  - F. Day care.
  - G. Detention facility
  - H. Emergency residential.
  - I. General industry.
  - J. Group home.
  - K. Hospitals.
  - L. Landfill (non-putrescible).
  - M. Recycling processing.
  - N. Restaurants (drive-in).
  - O. Restaurants (general).

P. Salvage services.

Q. Truck terminal.

R. Urban farming.

S. Utilities.

T. Vehicle storage (long-term).

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in all LI Districts:

Regulations	Industrial Uses
Minimum lot area (square feet)	10,000
Minimum lot width and depth (feet)	75 (width) 75 (depth)
Site area per housing unit (square feet)	NA
Minimum front yard setback (feet) *	25
Minimum street side yard setback (feet) *	10
Minimum interior side yard setback (feet) *	1
Minimum rear yard setback (feet) *	10
Maximum height main building (feet)	45
Maximum height accessory building (feet)	12
Maximum Building Coverage	70%
Maximum Impervious Coverage	90%
Floor Area Ratio	1.0
Maximum distance between building faces across street (feet)	NA
Maximum amount of total parking located in street yard	NA

\* Setback requirements may vary for single-family attached, zero-lot line, townhouse and planned unit developments. See Article 7 for supplemental site development regulations, page 97 and Section 504 for Planned Unit Development regulations, page 65.

5. Off-street Parking and Loading. See Article 9, page 108.

6. Signs. See Article 10, page 119.

7. Landscaping, Buffering and Screening. Non-residential uses in this district are subject to the buffering, landscaping and screening regulations in Article 8, page 104.

## 500 ARTICLE FIVE: SPECIAL OVERLAY DISTRICTS

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### 501 GENERAL PURPOSE.

Special 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 special needs of different parts of the City of Mount Vernon. The Overlay Districts are designed to achieve the following objectives:

1. 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. These districts may be applied to a parcel in combination with a Base Zoning District.
2. To recognize special conditions in specific parts of the City which require specific regulation.
3. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

### 502 DISTRICTS ESTABLISHED.

The following overlay districts are herewith established:

1. MU Mixed Use
  - PUD Planned Unit Development
  - ED Environmental Resources
  - HD Historic
  - P Public
  - FP / FW Floodplain / Floodway

### 503 MU - MIXED USE OVERLAY DISTRICT.

The MU Mixed Use District is intended to accommodate projects which combine several compatible land uses into an integrated development. The MU District may also be used to pre-designate parts of the city which are appropriate for a mixture of residential, commercial, office, and accessory uses. The District permits mixing residential areas with

workplaces and services. Development in the MU District must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments.

1. Permitted Uses and Minimum Area. Each ordinance establishing an MU District establishes the use types permitted within its boundaries. The minimum area of any MU District is one acre.

2. Issuance of Permits. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council, following a recommendation by the Planning and Zoning Commission. This approval may be granted for a specific plan for the development of an MU District in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.

3. Applications for Approval. All applications must contain at a minimum the following information:

A. A detailed site map, including:

- (a) A boundary survey
- (b) Site dimensions
- (c) Contour lines at no greater than five foot intervals
- (d) Adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
- (e) Description of adjacent land uses
- (f) Utility service to the site and easements through the site
- (g) Description of other site features, including drainage, soils, or other considerations that may affect development.

B. A development plan, including:

- (a) A site layout, including the location of proposed buildings, parking, open space, and other facilities
- (b) Location, capacity, and conceptual design of parking facilities
- (c) Description of the use of individual buildings
- (d) Description of all use types to be included in the project or area, and maximum floor area devoted to each general use
- (e) Maximum height of buildings
- (f) Schematic location and design of open space on the site, including a landscaping plan

(g) Vehicular and pedestrian circulation plan, including relationship to external transportation systems

(h) Schematic building elevations and sections if required to describe the project

(i) Grading plans

(j) Proposed sewer and utility improvements

(k) Location, sizes, and types of all proposed signage.

C. Specific proposed development regulations for the project, including:

(a) The specific use types permitted within the proposed district

(b) Maximum floor area ratios

(c) Front, side, and rear yard setbacks

(d) Maximum height

(e) Maximum building and impervious coverage

(f) Design standards applicable to the project.

D. A traffic impact analysis, if required by the City.

4. Adoption of District. The Planning and Zoning Commission and City Council shall review and evaluate each Mixed Use District application. The City may impose reasonable conditions, as deemed necessary, to ensure that a Mixed Use District (MUD) 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.

A. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.

B. The Planning and Zoning Commission may recommend amendments to MU district applications.

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

D. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a MU Mixed Use District. Proper notice shall mean the same notice established for any other zoning amendment.

E. An Ordinance adopting a Mixed Use District shall require a favorable simple majority of the City Council for approval.

F. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the Mixed Use District. All approved plans shall be filed with the City Clerk.

5. Amendments. The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:

- A. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.
- B. The amendment is consistent with the provisions of this section.
- C. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design.
- D. Any amendment not conforming to these provisions shall be submitted to the Planning and Zoning Commission and City Council for action.

#### 504 PUD – PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.

The PUD Planned Unit Development 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 insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. 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.

- 1. Permitted Uses. Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with an MU Mixed Use District to allow a combination of use types not anticipated by conventional base districts.
- 2. Site Development Regulations. Site Development Regulations are developed individually for each Planned Unit Development District, but must comply with the 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 percent.
  - C. Setback requirements may be varied according to the specific Planned Unit Development plan.
- 3. Access to Public Streets. Each PUD District must abut a public street for at least 100 feet and gain access from that street.
- 4. Application Process. The application for a Planned Unit Development District shall include a Development Plan containing the following information:



A. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.

B. A land use plan designating specific uses for the site and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area ratio requirements.

C. A site development and landscaping plan, showing building locations, or building coverage; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.

D. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities.

E. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design.

F. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

5. Adoption of District. 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.

A. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.

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

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

D. 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.

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

F. 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.

6. Amendment Procedure. Major amendments to the Development Plan must be approved according to the same procedure set forth herewith.

7. 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 or any approved amendments.

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

#### 505 ED – ENVIRONMENTAL RESOURCES OVERLAY DISTRICT.

The ED Environmental Resources Overlay District enables the adoption of special performance standards in combination with site development regulations of a base district for areas of special environmental significance or sensitivity. These areas include hill environments; wetlands; forested areas; areas with unique soil or drainage characteristics; lake, river, or creek districts; and other areas with special environmental characteristics.

1. Procedure for Adoption. The creation of an ED Environmental Resources Overlay District may be initiated by the Planning and Zoning Commission or the City Council.

2. Requirements for Application. An application for the creation of an ED Overlay District must include:

A. A statement describing the proposed district's special environmental characteristics and stating the reasons for proposal of the district.

B. A map indicating the boundaries of the proposed ED Overlay District, specifying the base district(s) included within these boundaries.

C. Supplemental site development regulations and performance standards that apply to the proposed district.

3. Adoption of District. The Planning and Zoning Commission and City Council shall review and evaluate each ED Overlay District application.

A. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.

B. The Planning and Zoning Commission may recommend amendments to ED district applications. The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council for final action.

C. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an ED Environmental Resources Overlay District.

D. The Ordinance adopting the ED District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.

E. An Ordinance adopting an ED Overlay District shall require a favorable vote of a simple majority of the City Council for approval. Upon approval by the City Council, each ED Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.

G. Any protest against an ED Overlay District shall be made and filed as provided by Iowa state statutes, and amendments thereto.

4. Building Permits. Building or other development permits issued by the City in an ED District shall be consistent with the adopted ED District Ordinance.

#### 506 HD- HISTORIC OVERLAY DISTRICT.

The HD Historic Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Mount Vernon. The District recognizes the importance of historically and architecturally significant districts to the character of Mount Vernon and provides for their conservation.

1. Public Policy and Purpose. The City recognizes as a matter of public policy that the preservation, protection, perpetuation, and use of structures, sites, places, and objects having a special historical, architectural, archaeological or aesthetic interest or value, are public necessities, and are required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this district is to:

A. Promote the educational, cultural, economic and general welfare of the public through the preservation, protection, and perpetuation, and use of structures, sites, places, and objects which reflect elements of the City's cultural, social, economic, political, or architectural history;

B. Protect and enhance the City's attractions to residents, tourists, and visitors, and serve as a support and stimulus to economic development;

C. Enhance the visual and aesthetic character, diversity, and interest of the City;

D. Foster civic pride in the legacy of beauty and notable achievements of the past;

E. Stabilize and improve property values;

F. Promote the preservation and use of historic structures, sites, and districts for the education and general welfare of the people of the City.

2. Procedure for Adoption. The creation of an HD Historic Overlay District may be initiated by the Historic Preservation Commission, the City Council, or by petition from residents of the City.

3. Requirements for Application. An application for the creation of an HD Overlay District must include:

A. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons and criteria for proposal of the district.

B. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries.

C. An inventory of the structures or historically important sites located within the boundaries of the proposed district.

D. Supplemental city-required site development regulations, design criteria, and performance standards that apply to the proposed district.

4. Adoption of District. The Historic Preservation Commission, Planning and Zoning Commission, City Council and the State shall review and evaluate each HD Overlay District application in accordance with Iowa State Code 303.34.1.

A. The Historic Preservation Commission and the Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.

B. The Historic Preservation Commission, the Planning and Zoning Commission and the State may recommend amendments to HD district applications.

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

D. The City will furnish the State with a copy of the Ordinance for review and comment prior to the public hearing and final approval in accordance with Iowa State Code 303.34.4. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing an HD Historic Overlay District.

E. The Ordinance adopting the HD District shall include a statement of propose, a description of district boundaries, and a list of city-required supplemental site development regulations and performance standards.

F. An Ordinance adopting an HD Overlay District shall require a favorable vote of a simple majority of the City Council for approval.

G. Upon approval by the City Council each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.

5. Building Permits. Building or other development permits issued by the City in an HD District shall be consistent with the adopted HD District Ordinance and shall follow all procedures for review that are established by the City.

#### 507 P – PUBLIC USE OVERLAY DISTRICT.

The P Public Use District is designed to accommodate major public or civic facilities in the city. The district can be used in combination with one or more base districts. The district

recognizes that development regulations that adapt to private development may not be appropriate for major public uses, including campus developments.

1. Permitted Uses. Uses permitted in a Public Use Overlay District are those permitted in the underlying base district. A "P" Overlay District also may be combined with an MU Mixed Use District to allow a combination of use types not anticipated by conventional base districts.

2. Site Development Regulations. Site Development Regulations may be developed individually for each Public Use District, but must comply with the following minimum or maximum standards established for the base district:

- A. Maximum Building Coverage
- B. Maximum Impervious Coverage
- C. Floor Area Ratio

3. Procedure for Adoption. The creation of a P Public Use Overlay District may be initiated by the Planning and Zoning Commission or the City Council.

4. Requirements for Application. An application for the creation of an P Public Use Overlay District must include a map indicating the boundaries of the proposed P Overlay District, specifying the base district(s) included within these boundaries.

5. Adoption of District. The Planning and Zoning Commission and City Council shall review and evaluate each P Overlay District application.

A. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.

B. The Planning and Zoning Commission may recommend amendments to P district applications. The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council for final action.

D. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a P Overlay District. An Ordinance adopting an P Public Use Overlay District shall require a favorable vote of a simple majority of the City Council for approval.

E. The Ordinance adopting the P Public Use Overlay District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.

F. Upon approval by the City Council, each P Public Use Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.

508 FP/FW FLOODPLAIN/FLOODWAY MANAGEMENT OVERLAY DISTRICT.

1. Statutory Authority, Findings of Fact and Purpose. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

A. The flood hazard areas of the City of Mount Vernon are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

3. Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Mount Vernon and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

B. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

C. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

4. General Provisions. The provisions of this Ordinance shall apply to all lands within the jurisdiction of the City of Mount Vernon which are located within the boundaries of the Floodplain Overlay District as established in Article 5.

5. Rules for Interpretation of Floodplain Overlay District. The boundaries of the Floodplain Overlay District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Ordinance.

6. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms

of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

7. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

8. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

9. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain Overlay District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Mount Vernon or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

10. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

11. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Linn County and Incorporated Areas, City of Mount Vernon, Panels 19113C0465E, 0470E, dated July 20, 2021, which were prepared as part of the Flood Insurance Study for Linn County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Linn County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

12. Standards of Floodplain Overlay District. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations and floodway data have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. All development within the Floodplain Overlay District shall:

- A. Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- B. Use construction methods and practices that will minimize flood damage.
- C. Use construction materials and utility equipment that are resistant to flood damage.

D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

13. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the Base Flood Elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the Base Flood Elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the Base Flood. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

14. Non-residential Buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum, 1988) to which any structures are floodproofed shall be maintained by the Administrator.

15. New and Substantially Improved Structures.

A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- 1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- 2) The bottom of all openings shall be no higher than one foot above grade.
- 3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- 4) Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.



B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot base flood elevation.

D. New and substantially improved structures must be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non residential structures, optionally floodproofed to) a minimum of one (1) foot base flood elevation or designed to be watertight and withstand inundation to such a level.

#### 16. Factory-Built Homes.

A. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the Base Flood Elevation.

B. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

C. Recreational vehicles are exempt from the requirements of SECTION 508-16 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

i. The recreational vehicle shall be located on the site for less than 180 consecutive days; and, the recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

ii. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of SECTION 508-16 of this Ordinance regarding anchoring and elevation of factory-built homes.

#### 17. Utility and Sanitary Systems.

A. On-site waste disposal and water supply shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems shall be

provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provide with a level of protection equal to or greater than one (1) foot above the base flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

18. Storage of Materials. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the Base Flood Elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

19. Flood Control. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a Base Flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

20. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

21. Subdivision Regulations. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the Base Flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include Base Flood Elevation data for those areas located within the Floodplain Overlay District.

22. Accessory Structures. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

A. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.

B. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

C. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

D. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.

E. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.

F. The structure's walls shall include openings that satisfy the provisions of SECTION 508-15-A of this Ordinance.

G. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

23. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

24. Maximum Damage Potential Development. All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

25. Administration. Appointment, Duties and Responsibilities of Zoning Administrator:

A. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

B. Duties of the Administrator shall include, but not necessarily be limited to the following:

(a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

(b) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

(c) Record and maintain a record of the elevation (in relation to North American Vertical Datum, 1988) of the lowest floor (including basement) of all new or substantially improved structures in the Floodplain Overlay District.

(d) Record and maintain a record of the elevation (in relation to North American Vertical Datum, 1988) to which all new or substantially improved structures have been floodproofed.

(e) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(f) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

(g) Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.

(h) Maintain the accuracy of the community's Flood Insurance Rate Maps when;

i. Development placed within the Floodway (Overlay) District results in any of the following:

(i) An increase in the Base Flood Elevations, or

(ii) Alteration to the floodway boundary

ii. Development placed in Zones A, AE, AH, and AI-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

iii. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

26. Floodplain Development Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any approved change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

A. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

(a) Description of the work to be covered by the permit for which application is to be made.

(b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

(c) Indication of the use or occupancy for which the proposed work is intended.

(d) Elevation of the Base Flood

(e) Elevation (in relation to North American Vertical Datum, 1988) of the lowest floor (including basement) of structures or of the level to which a building is to be floodproofed.

(f) For structures being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(g) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

B. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Board of Adjustment.

C. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

27. Variance. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards:

A. Variances shall only be granted upon:

(a) A showing of good and sufficient cause,

(b) A determination that failure to grant the variance would result in unnecessary hardship to the applicant, and

(c) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that:

(a) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

(b) such construction increases risks to life and property.

D. Factors Upon Which the Decision of the Board of Adjustment Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept on to other land or downstream to the injury of others.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the City.

(f) The requirements of the facility for a floodplain location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(l) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

(m) Such other factors which are relevant to the purpose of this Ordinance.

E. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems

necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

- (a) Modification of waste disposal and water supply facilities.
- (b) Limitation of periods of use and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.
- (e) Floodproofing measures.

28. Nonconforming Uses. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

- a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
- b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- c. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

29. Penalties for Violations. Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Nothing herein contained prevent the City of Mount Vernon from taking such other lawful action as is necessary to prevent or remedy violation.

30. Amendments. The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

31. Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

APPURTENANT STRUCTURES - A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

BASE FLOOD ELEVATION - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

DEVELOPMENT - Any approved change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACTORY-BUILT HOME - Any structure, designed for residential use; which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

FACTORY-BUILT HOME PARK - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.



**FIVE HUNDRED (500) YEAR FLOOD** - A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

**FLOOD** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** - A report published by FEMA for a community issued along with the community's Flood Insurance Rate Maps(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

**FLOODPLAIN** -Any land area susceptible to being inundated by water as a result of a flood.

**FLOODPLAIN MANAGEMENT** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

**FLOODPROOFING** -Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

**FLOODWAY** -The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

**FLOODWAY FRINGE** - Those portions of the Special Flood Hazard Area outside the floodway.

**HIGHEST ADJACENT GRADE** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** - Any structure that is:

Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state programs determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 508-15-A of this Ordinance, and

The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and

The enclosed area is not a "basement" as defined in this section. In cases where the lowest enclosed area satisfies criteria 1, 2, and 3 above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

**MAXIMUM DAMAGE POTENTIAL DEVELOPMENT** - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

**MINOR PROJECTS** - Small development activities (except for filling, grading and excavating) valued at less than \$500.

**NEW CONSTRUCTION** - (new buildings, factory-built home parks)-Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

**NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** -A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the community.

**RECREATIONAL VEHICLE**-A vehicle which is:

Built on a single chassis:

Four hundred (400) square feet or less when measured at the largest horizontal projection;  
Designed to be self-propelled or permanently towable by a light duty truck; and

Designed primarily not for use as a permanent dwelling but as temporary living quarters or recreational, camping, travel or seasonal use.

**ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES** - Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

Basement sealing;

Repairing or replacing damaged or broken window panes;

Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

**SPECIAL FLOOD HAZARD AREA** - The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, AI-30, AB, AH, AO, AR, and/or A99.

**START OF CONSTRUCTION** - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE**-Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

**SUBSTANTIAL DAMAGE**-Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50)

percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any improvement to a structure which satisfies either of the following criteria:

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

**VARIANCE** - A grant of relief by a community from the terms of the floodplain management regulations.

**VIOLATION** - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

#### 509 US30 - US HIGHWAY 30 OVERLAY DISTRICT.

The US Highway 30 Overlay District (US30 Overlay District) is intended to provide building and site design guidelines within the overlay district boundary. The intent of this overlay district is to promote growth while protecting the general welfare and values of the community through established architectural standards, site design guidelines, and permitted uses. When a standard or code requirement is not addressed within the US Highway 30 Master Plan, the regulations as contained elsewhere within the City's code for the underlying zoning district in which the property is zoned shall apply. Should a conflict arise between the City Code and standards contained within the Master Plan, the more restrictive requirement, as determined by the Zoning Administrator, shall prevail.

Prior to the development or redevelopment of any parcel located within the US30 Overlay District, the property should be zoned or rezoned, as may be necessary, to be consistent with the land use designation as shown in the US Highway 30 Master Plan Future Land Use

Plan and per the US Highway 30 Master Plan Zoning and Overlay Land Use Compatibility Table.

1. Permitted Uses. Uses permitted or permitted by approval of a Conditional Use Permit are those uses as listed in the US Highway 30 Master Plan Permitted Uses Table for the underlying Overlay Land Use Category identified for the property. Uses not listed in the table as permitted or permitted conditionally within the corresponding Land Use Category are prohibited even if listed as permitted or permitted conditionally within the underlying zoning of the property.

2. Application for Approval. An application is required for the development of a property, the construction of a new building or improvement, the redevelopment of an existing property (including a significant change in use), or an amendment or change to a previously approved site plan located within the US30 Overlay District. An application form, site plan (including required site plan details and number of copies), building elevations, and any additional information, details, and studies, as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the application fee as established by resolution of the City Council.

## 600 ARTICLE SIX: SUPPLEMENTAL USE REGULATIONS

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### 601 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. The regulations contained in this Article pertain both to uses allowed by right within various zoning districts; and to uses that require approval as Conditional Uses by the Board of Adjustment. Nothing contained in this section shall limit the right of the Board of Adjustment to impose additional conditions on developments seeking Conditional Use approval.

### 602 AGRICULTURAL USES.

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.

1. Horticulture and Crop Production: Retail Sales. Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

A. Garden Centers:

(a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.

(b) Garden centers must conform to all site development regulations for the zoning district.

(c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped bufferyard, consistent with the standards established in Section 804.

B. Roadside Stands

(a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.

(b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.

(c) A roadside stand may operate for a maximum of 180 days in any one year.

2. Animal Production.

A. No commercial poultry or livestock operation shall be located within 100 feet of any residential or commercial zoning district.

B. Breeding and raising of small animals and fowl, such as birds, rabbits, chinchilla, and hamsters is permitted in the SR District, provided that any building housing such animals shall be at least 100 feet from any property line and 25 feet from any dwelling unit on the site.

C. No animals with measurable odors shall be raised for commercial purposes within the city limits.

3. Commercial Feedlots. No commercial feedlots shall be established within the zoning jurisdiction of the City of Mount Vernon.

603 RESIDENTIAL USES.

1. Zero-Lot Line Single-Family Detached Residential. Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

A. The side yard opposite to the zero yard must equal at least twice the normal required minimum side yard and must by itself comply with all side yard requirements for the zoning district.

B. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.

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C. An easement for maintenance of the zero lot line facade is filed with the Linn County Register of Deeds and the City Clerk at the time of application for a building permit.

2. Single-Family Attached. When permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.

3. Townhouse Residential. Where permitted, townhouse residential is subject to the following regulations:

A. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.

B. Coverage percentages are computed for the site of the entire townhouse common development.

4. Two-Family Residential.

A. The second dwelling unit shall be located to the rear of the site and shall be separated from the front dwelling unit by a minimum of 25 feet.

B. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.

5. Multi-Family Residential. Multi-family residential development must comply with the following requirements for dispersion throughout the City.

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A. Any new multiple-family development containing from three to eight residential units (small-scale Multi-Family Residential) must be located at least 300 feet from any pre-existing multi-family development.

B. Any new multi-family development containing over 8 residential units (large-scale Multi-Family Residential) must be located an additional 35 feet for each additional unit over 8 from any pre-existing multi-family development.

C. Unit limitations do not apply to the Retirement Residence use type.

6. Uptown Residential Uses in the TC District. Uptown Residential uses are permitted in the TC District subject to the following conditions:

A. Uptown Residential uses are permitted in the TC District only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Board of Adjustment.

B. Residents of units must be informed by the owner of the building that lawful commercial uses have priority over residential uses.

C. All upper level apartments must have two separate means of egress.

D. The internal living space of each unit must have a minimum of 576 square feet.

E. One parking space marked and reserved for tenants must be provided for each unit.

7. Group Residential. Where permitted, Group Residential use must comply with the following requirements:

A. Within the SR, or TR districts, no more than six persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than five persons shall be permitted to reside in a non owner-occupied dwelling unit.

B. Within the HR, or UC districts, no more than ten persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than seven persons shall be permitted to reside in a non owner-occupied dwelling unit.

C. A minimum of 250 square feet must be provided in the dwelling unit for each resident.

8. Mobile Home Parks. The HR High Density Residential District permits mobile home residential use configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home shall be located outside of a Mobile Home Park or Mobile Home Subdivision unless said mobile home is placed on a permanent foundation and converted to real property (see Chapter 146 of this Code of Ordinances). A Mobile Home Park is subject to approval as a Conditional Use by the Board of Adjustment and compliance with the following regulations:

A. 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 issued by the Zoning Administrator prior to the occupancy of any new Mobile Home Park or any expansion of an existing Mobile Home Park.

B. Minimum and Maximum Area. A Mobile Home Park shall be considered to be one zoned lot. The contiguous area of a Mobile Home Park shall have a minimum of 5 acres and a maximum of 15 acres.

C. Density Requirements.

(a) The minimum gross site area per dwelling unit shall be 7,200 square feet.

(b) The minimum size of an individual mobile home space shall be 4,500 square feet for single-wide mobile home units and 6,000 square feet for double-wide 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.

D. Site Development Standards.

(a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 35 feet from adjacent non-residential 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 Article



8 of this Ordinance. Screening shall be provided in conformance with Article 8 for any common property line with another non-residential use.

(c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 50 percent 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 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.

#### E. 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. 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 four 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 two off-street parking stalls for each mobile home space.

F. Tornado Shelters: Underground 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.

G. Utilities.

(a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of 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 the Subdivision Chapter of the Land Development Ordinance.

(c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Chapter of the Land Development Ordinance and other applicable city codes and public improvement design standards.

(d) All electric, telephone, gas, and other utility lines shall be installed underground.

H. 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.

I. 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 Commission.

J. All other uses and provisions of the Mount Vernon Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Mount Vernon Municipal Codes.

9. Mobile Home Subdivisions. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the zoning and subdivision ordinances of Mount Vernon. Site development regulations shall be the same as those required in the SR Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.

A. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.

B. Mobile Home Subdivisions shall provide tornado shelter facilities as required by Section 603-8-F.

604 CIVIC USES.

1. Community Centers and Clubs. Clubs located adjacent to residential uses shall maintain a bufferyard of not less than fifteen feet along the common boundary with such residential use.
2. Day Care. Limited Day Care uses are permitted on residential lots in the SR, NR, TR, and HR zoning districts, and may be operated by the occupant of a dwelling unit on the site. Day care facilities are permitted by Conditional Use permit in the LI Limited Industrial Zoning District only if incidental to a permitted primary use.
3. Group Care Facilities and Group Homes. Each group care facility or group home must be validly licensed by either the State of Iowa or the appropriate governmental subdivision.

#### 605 COMMERCIAL USES.

1. Auto Repair, Equipment Repair, and Body Repair. Where permitted in commercial districts, all repair activities 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-ways. Screening is subject to provisions of Article 8 of this ordinance. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.
2. Auto Washing Facilities. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.
3. Automobile and Equipment Rental and Sales. All outdoor display areas for rental and sales facilities shall be hard-surfaced. 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.
4. Bed and Breakfasts. Bed and Breakfasts permitted in the TC District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.
5. Campgrounds. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems, in addition to meeting the following:
  - A. Minimum Size: Each campground established after the effective date of this Ordinance shall have a minimum size of one acre.
  - B. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.

6. Convenience Storage. When permitted in the AG, GC, LI, and LC Districts, convenience storage facilities shall be subject to the following additional requirements:

- A. The minimum size of a convenience storage facility shall be one acre.
- 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 bufferyards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article 8.

7. Restaurants. Restaurants in the LC District that include the accessory sale of alcoholic beverages require approval of a Conditional Use Permit, as set forth in Article 13.

8. Restricted Businesses. Restricted businesses are not permitted within the zoning jurisdiction of the City of Mount Vernon.

#### 606 INDUSTRIAL USES.

1. Resource Extraction. Resource extraction, where permitted, is subject to the following additional requirements:

- A. Erosion Control: A resource extraction use may not increase the amount of storm runoff onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
- B. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the City Council.
- C. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
- D. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
  - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
  - (b) Installation of perimeter safety screening.
  - (c) Installation of visual screening adjacent to any property within a residential or public use district.

E. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council with the recommendation of the City Council and the Department of Natural Resources.

2. Salvage Services.

A. Screening:

(a) The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be ten feet. Any such enclosure shall be constructed behind required landscaped bufferyards.

(b) Each existing salvage services facility shall be screened as provided above within one year of the effective date of this Ordinance.

B. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.

C. No Salvage Services use may be established within 300 feet of the nearest property line of a residential or public use zoning district.

607 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, acid, 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 Linn County and the City of Mount Vernon.
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 608-A 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 User 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.

#### 608 MAXIMUM PERMITTED SOUND LEVELS ADJACENT TO RESIDENTIAL ZONING DISTRICTS.

The following displays the maximum permitted sound levels that may be generated by uses in the GC, BP, 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 ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 608-A: Maximum Permitted Sound Levels at Residential Boundaries

Originating Zoning District

Time

Maximum One Hour Leq\*(dbA)

GC, BP, LI

7:00 a.m. - 10:00 p.m.

60

10:00 p.m. - 7:00 a.m.

55

\* Leq 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.

#### 609 LANDFILLS.

1. Compliance with Codes. Each landfill must comply with all relevant city, county, State, or Federal codes and statutes.
2. Prevention of Hazards. No facility shall present a hazard to surrounding residents or properties.
3. Drainage and Water Supply. No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the City of Mount Vernon. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
4. Minimum Separation from Residential Uses. No non-putrescible landfill may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential, public, or commercial zoning district; or any State or Federal Highway.
5. Restoration of Site. The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Iowa's Department of Natural Resources.
6. Toxic Waste. The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within the City of Mount Vernon and its extra-territorial jurisdiction.

#### 610 ACCESSORY USES.

1. Accessory Dwelling Units (ADU). ADUs that are allowed as a permitted or conditional use are subject to the following conditions:

A. Type. ADUs may be classified as one of the following:

**Commented [TG11]:** Possibility of having reference to requirement go to recorder for the abstract.

**Formatted:** Heading 2

(a) Internal. A dwelling unit that is located wholly within the primary structure without expansion of the footprint (e.g. basement or attic units).

(b) Attached. A dwelling unit that is considered part of the primary structure but results in an expansion of the primary structure's footprint.

(c) Detached. A dwelling unit that is separate from the primary structure (e.g. garage apartment or standalone structure)

B. Standards. ADUs shall comply with the following use-specific standards:

(a) One detached or one attached or internal ADU is permitted per lot.

(b) The ADU must be a complete, separate dwelling unit that functions independently from the principal use. It must contain its own kitchen and bathroom facilities and a separate exterior entrance, which, for an internal or attached ADU, may not be on the primary facade.

(c) Unless specifically addressed in this section, ADUs shall be subject to the regulations for a structure on the underlying zone district with regard to lot and bulk standards (e.g., height, setback/yard requirements, building coverage).

(d) The maximum size of an ADU may be no more than the footprint of the primary structure or 800 square feet, whichever is less.

(e) One off-street parking space is required for each ADU.

(f) ADUs may only be built on the same lot as the primary structure and shall be placed on and secured to a permanent frost-free perimeter foundation.

(g) The owner of the property on which an ADU is located must occupy at least one of the dwelling units on the premises as the permanent legal resident. The ADU and the principal use must be under the same ownership.

(h) Mobile homes, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as ADUs.

(i) An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an ADU, but the structure may not be altered in any manner that would increase the degree of non-compliance.

(j) Home occupations may be permitted in an ADU as required in this section. Allowable conditions will be calculated for one dwelling unit except for floor area, which may be based on allowable floor area for all permitted dwellings.

(k) ADUs shall not be considered for the site area per housing unit calculations.

(l) The ADU must be designed so that the appearance of the building remains that of an allowed use within that zone, and any new entrances, exterior finish materials, trim, windows, and eaves must visually match the principal use.

**Commented [TG12]:** Ensure accessory dwelling could not be in front of primary structure.

**Commented [TG13R12]:** In 700 Supplemental Site Development, 702, it says "No accessory building may be located between the front building line of the principal building and the front property line."

**Commented [TG14]:** Check for dual lots/definitions.

**Commented [TG15R14]:** Updated definition of lot.

**Commented [TG16]:** This may not be strictly in keeping with Iowa Code 414.33, prohibiting regulations on "no-impact home-based businesses", but it may not be a huge deal since the City is not issuing permits for home-based businesses.



1. 2. Home-Based Businesses/Home Occupations. 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) The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the City in accordance with these zoning regulations. All "External Effects" criteria in items a. 1. (a), (b), (d), (e) and (f) of this subsection 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, drainageway, 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, provided that one off-street parking space is made available and used by that non-resident employee. This limitation on the number of employees does not apply to home-based businesses/home occupations in the TC District.

C. Extent of Use: For all residential and agricultural zoning districts, a maximum percent floor area of 25% of the dwelling may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.

D. Signage: Each home-based business shall be permitted to have one wall sign not to exceed one square foot in area.

E. Traffic Generation and Parking:

(a) Home-based businesses may generate no more than 10 vehicle trips per day, corresponding to amount of traffic normally generated by a dwelling unit.

(b) Deliveries or service by commercial vehicles or trucks rated at ten tons gross empty weight is prohibited for any home-based business located on a local street.

(c) Parking needs generated by a home-based business shall be satisfied with off-street parking. Such parking shall not be located in a required front yard. No more than two on-street parking spaces shall be used at any one time.

(d) These traffic generation and parking limitations do not apply to home-based businesses/home occupations in the TC district.

F. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:

(a) Animal hospitals.

(b) Beauty and Barber Shops, except with a Conditional Use Permit in the AG, TC and UC districts.

(c) General retail sales.

(d) Mortuaries.

(e) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses.

(f) Stables or kennels.

(g) Welding, vehicle body repair, or rebuilding or dismantling of vehicles.

2. Permitted Accessory Uses: Residential Uses. Residential uses may include the following accessory uses, activities, and structures on the same lot.

A. Private garages and parking for the residential use.

B. Recreational activities and uses by residents.

C. Home occupations, subject to Section 610 of these regulations.

D. Residential convenience services for multi-family uses or mobile home parks.

E. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous, two month period or four sales during any twelve month period.

3. Permitted Accessory Uses: Civic Use Types. Guidance Services and Health Care use types are permitted in the LI Limited Industrial zoning districts only as accessory uses to a primary industrial use.

4. Permitted Accessory Uses: Other Use Types. Other use types may include the following accessory uses, activities, and structures on the same lot:

- A. Parking for the principal use.
  - B. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
  - C. Services operated for the sole benefit of employees of the principal use.
5. Permitted Accessory Uses: Agricultural Use Types.
- A. Garden centers and roadside stands, subject to the regulations set forth in Section 602.
  - B. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

#### 611 OUTDOOR STORAGE OUTSIDE OF THE LI DISTRICT.

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

1. Agricultural Use Types. Outdoor storage is permitted only where incidental to agricultural uses.
2. Civic Use Types. Outdoor storage is permitted only where incidental to Maintenance Facilities.
3. Commercial Use Types. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales. 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 Article 8. This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.
4. Industrial and Miscellaneous Use Types. Outdoor storage is permitted where it is incidental to industrial uses within the AG and LI zoning districts. Any such outdoor storage is subject to screening requirements set forth in Article 8. Outdoor storage is permitted where incidental to landfills.

#### 612 TEMPORARY USES.

1. Purpose. These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

2. Temporary Use Types. The following temporary uses are permitted, subject to the regulations contained within these sections:

A. Model homes or apartments, if contained within the development to which they pertain.

B. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.

C. Public assemblies, displays, and exhibits.

D. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a TC or more intensive zoning district.

E. Outdoor art shows and exhibits.

F. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.

G. Construction site offices, if located on the construction site itself.

H. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.

I. Construction Batch Plants in the LI District , provided that:

(a) No plant may be located within 600 feet of a developed residential use, park, or school.

(b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.

(c) Hours of operation do not exceed 12 hours per day.

(d) The duration of the plant's operation does not exceed 180 days.

J. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this section.

3. Required Conditions of All Temporary Uses. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal. The Zoning Administrator may establish other conditions which he/she deems necessary to ensure compatibility with surrounding land uses.

4. Permit Application and Issuance. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the

proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.

A. The Zoning Administrator may authorize a temporary use only if he/she determines that:

(a) The use will not impair the normal operation of a present or future permanent use on the site.

(b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.

B. The duration of the permit shall be explicitly stated on the permit.

C. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

## 700 ARTICLE SEVEN: SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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### 701 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 Ordinance and provide for specific areas of exception.

### 702 SETBACK ADJUSTMENTS

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#### 1. Encroachments on Required Yards. Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

Commented [TG17]: This section is not related to the ADU amendment. It is meant to clean up the section.

A. Architectural projections, including roofs which cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet (3') into a required yard.

B. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet (2') above or below the adjacent ground level may project ten feet (10') into a required yard. However, all such projections must be set back at least three feet (3') from an adjacent side lot line; ~~or~~ and twenty feet (20') from any street property line.

C. ADA ramps servicing a dwelling unit may be projected 11 feet (11') into a required yard.

- D. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet (3') into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
- E. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet (4') or five percent (5%) of the right-of-way width.
- F. Canopies. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet (5') from the front property line, covers less than fifteen percent (15%) of the area of the required front yard, and has a vertical clearance of at least eight feet six inches (8'6").
- 2. Garage Setbacks:** Any garage, detached or attached, that fronts on a public street must be set back at least 20 feet (20') from such street or as is required by the minimum setback requirements of the zoning district, whichever is greater.
- 3. Built-Up Blockfaces.** These provisions apply if forty percent (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 (100') 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 (100') 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 (100') 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 (5') greater than that otherwise required by the applicable zoning district.
- 4. Lots Adjoining Alleys.** In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no structure may be nearer than three feet (3') to the near side of the alley.
- 5. Corner Lots.** Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet (24'). Appropriate setback adjustments shall be allowed to maintain this minimum width.
- 6. 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 sixty percent (60%) of the rear yard required by the zoning district.

7. **Double Frontage Lots.** Double-frontage lots shall require full front-yard setbacks along both street frontages, as set forth in the bulk regulations table of each zoning district. Residentially zoned double-frontage lots on a major street, and with no access to that street may have a 25-foot (25') minimum front yard setback along said street.

8. **Satellite Antennas.** 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. Such antennas shall be located no less than fifteen feet (15') from the property line of an adjacent property within a residential zoning district.

9. **Lamp Posts:** Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet (5') from property lines.

10. **Vision Clearance Zones.** No structure, including a fence, shall be built to a height of more than three feet (3') 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 thirty feet (30') 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.

1. **Lots Adjoining Alleys.** In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no structure may be nearer than three feet to the near side of the alley.

2. **Encroachments on Required Yards.** Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

—A. Architectural projections, including roofs which cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.

—B. Terraces, patios, uncovered decks, and ornamental features which have no structural element more than two feet above or below the adjacent ground level may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or twenty feet from any street property line. ADA ramps servicing a dwelling unit may be projected 11 feet into a required yard.

—C. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.

~~—D. For buildings constructed upon a front property line, a cornice may project into public right of way. Maximum projection is the smaller of four feet or five percent of the right of way width.~~

~~—E. 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 fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.~~

~~—F. Accessory uses and buildings are subject to all site development regulations of its zoning district, except as provided below:~~

~~—(a) Side Yards: An accessory building may be located a minimum of five feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.~~

~~—(b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.~~

~~—(c) Rear Yard: The minimum rear yard setback for accessory buildings shall be 8 feet. This minimum rear yard setback shall be increased to 15 feet if the accessory building requires vehicular access from an alley. Double-frontage lots shall require front yard setbacks along both street frontages as set forth in the bulk regulations table of each zoning district. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right of way along the rear property line.~~

~~—(d) Street Yards: No accessory building shall be located within 20 feet from any street side yard property line.~~

~~—(e) Maximum Size: No accessory building shall exceed 144 square feet, or 1.5% of total lot area, whichever is larger, within an SR, TR, or HR residential district, providing that the necessary building permit is obtained. All buildings on a site, including detached garages for a single family detached, single family attached, or duplex residential uses, taken together, must comply with the building coverage requirements for the zoning district. In addition, the maximum square feet of any detached garage shall not exceed 100% of the primary dwelling unit ground floor square feet, excluding any attached garage square feet.~~

~~—(f) Height: In residential districts, the maximum height shall be 12 feet for a detached garage and 10 feet for any other accessory building. Additionally and without any increase to the height of the sidewalls of a detached garage or accessory building based on the aforementioned maximum height limitations, the height and pitch of the roof may be increased if, in the discretion of the Zoning Administrator, that increase is necessary to complement the pitch and style of the primary residential structure. However, in no event shall a detached garage or accessory building exceed the height of 20 feet as measured from the established grade to the highest point of the structure.~~

~~—(g) Separation from Other Buildings: No accessory building shall be placed within ten feet of any other building on its own property or any adjacent properties.~~



~~—(h) Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.~~

~~—(i) Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.~~

~~—(j) Hazards: Any accessory use which creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.~~

~~—(k) No accessory building shall be built upon any lot until construction of the principal building has begun.~~

~~—G. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.~~

~~—H Garage Setbacks: Any garage, detached or attached, that fronts on a public street must be set back at least 20 feet from such street or as is required by the minimum setback requirements of the zoning district, whichever is greater.~~

### ~~3. Setback Adjustments.~~

~~—A. Setbacks on Built-Up Blockfaces. These provisions apply if forty percent 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.~~

~~4. 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 sixty percent (60%) of the rear yard required by the zoning district.~~

~~5. 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.~~

~~6. Satellite Antennas. 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. Such antennas shall be located no less than fifteen feet from the property line of an adjacent property within a residential zoning district.~~

~~7. Vision Clearance Zones. 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 thirty 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.~~

#### 703 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 percent 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.

2. Amateur Radio Towers and Federal Communication Commission Pronouncements. Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, 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.

A. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Board of Adjustment may grant a Conditional 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 City 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).

B. 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 non-profit organization, may be built to any height in accordance with existing and future ordinances. This exception does not apply to radio towers, antennas and other appurtenances operated by licensed amateur radio operators.

4. Civic Buildings. Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

5. Wind Energy Conservation Systems (WECS).

A. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Commission finds that the reduction is consistent with public health, safety, and welfare.

B. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Planning Commission finds that the reduction does not impede the operation of either WECS.

C. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.

D. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.

E. The WECS is exempt from the height restrictions of the base district.

6. Conditional Use Approvals. The Board of Adjustment may grant an exception from the height limit for a zoning district for a Conditional Use as part of its approval of that use. The limit or extent of this exception shall be a specific part of the special use permit.

7. Federal Aviation Administration Rules. No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Mount Vernon.

#### 704 EXCEPTIONS TO SITE DEVELOPMENT REGULATIONS FOR CREATIVE SUBDIVISIONS.

In the instance that the ordinance provides, the city may authorize such subdivisions to allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, to provide for more efficient use of land, to protect topography and to encourage the preservation of common area and open space. These special regulations and design exceptions apply only to creative subdivisions.

1. Site Area Per Unit. Unless otherwise provided, the site area per unit for a creative subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.

2. Perimeter Yards.

A. Structures must maintain normal street yard setbacks from any public streets that form the perimeter of the development.

B. Structures must maintain a 20 foot minimum side-yard setback from any property line that forms the boundary of the development.

3. Area and Yards for Individual Lots.

A. Individual lots within a creative subdivision are exempt from minimum lot area or yard setback requirements set forth elsewhere in this Ordinance, unless provided for by the regulations for a specific zoning district. A creative subdivision must be planned and developed as a common development. A minimum separation of twenty (20) feet shall be established for all residential structures not attached to one another, unless the City Council grants a specific exception for developments proposing unique circumstances, only in as much as said development can be demonstrated to avoid detriment to Mount Vernon's efforts to protect public health, safety, welfare, community character, property values and aesthetics.

B. Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of 25 feet from that public street or private way.

4. Coverage and Landscaping Requirements. Individual lots in a creative subdivision are exempt from maximum building and impervious coverage limitations and street yard landscaping requirements established for the zoning district. However, the subdivision as a whole, including streets, walks, and access ways, must comply with the building and impervious coverage regulations for its zoning district.

## 705 FENCE REGULATIONS

1. Location Restriction. Unless otherwise provided by this Ordinance or other sections of the Mount Vernon Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines, or adjacent to any Municipal property, excluding public streets.

2. Required Openings. Unless otherwise provided by this Ordinance or other sections of the Mount Vernon Municipal Code, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

3. Sight Obstruction. No solid fence permitted or required by this article or other sections of the Mount Vernon Municipal Code shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 30 feet on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.

4. Facing. The finished surfaces of any fence shall face toward adjacent properties and street frontage.

5. Effect on Adjacent Properties. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

6. Swimming Pools and Hot Tubs. Any parcel in the City of Mount Vernon containing a permanent outdoor swimming pool or hot tub, whether above ground or below, with a depth greater than 18", or capacity greater 5,000 gallons, shall provide for a fence that shall meet regulations contained in the Mount Vernon Zoning Ordinance.

7. 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 required front yard or street side yard shall be four feet. The maximum height for any other fence shall be six feet.

B. Exception for Street Side Yards: On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.

C. Exception to Openness Requirement: Fences built on residential property other than a required front or street side yards may exceed 50 percent closed construction.

D. Exception for Front Yards of Double Frontage Lots: A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial street or expressway, as defined in the Comprehensive Plan or the street planning map of the City of Mount Vernon; and if such frontage does not provide primary access to the property.

E. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, metal, stone or masonry materials only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

8. Civic, Office, Commercial, and Industrial Fences. Fences constructed in commercial and industrial districts are subject to the following special provisions:

A. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.

B. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning Districts shall be eight feet.

C. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Mount Vernon.

D. Barbed wire shall not be used in the construction of any fence outside of the LI Limited Industrial Zoning District. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the wire shall be at least six feet above ground level.

E. Electrified fences are not permitted within the jurisdiction of the City of Mount Vernon.

9. Fences on Easements. Fences may be constructed within both public and private utility and drainage easements provided:

A. The fence and its design is subject to the approval of the City Engineer.

B. Removal and/or subsequent replacement of the fence or a portion thereof for the purpose of utilizing the easement shall be at the property owners expense.

#### 706 APPEALS.

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Article 13.

#### **710 ACCESSORY BUILDINGS.**

Accessory uses and buildings are subject to all site development regulations of its zoning district, except as provided below:

##### A. Setbacks:

(a) Side Yards: An accessory building may be located a minimum of five feet (5') from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.

(b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.

(c) Rear Yard: The minimum rear yard setback for accessory buildings shall be 8 feet (8'). This minimum rear yard setback shall be increased to 15 feet (15') if the accessory building requires vehicular access from an alley.

(d) Street Yards: No accessory building shall be located within 20 feet from any street side yard property line.

(e) Easements: Easements may be incorporated into these required setbacks, however, no accessory building shall be located within any easement or right-of-way along the property line.

**B. Maximum Size:**

(a) No accessory building shall exceed 144 square feet, or 1.5% of total lot area, whichever is larger, within an SR, TR, or HR residential district.

(b) All buildings on a site, taken together, must comply with the building coverage requirements for the zoning district.

(c) The maximum square feet of any detached garage or accessory dwelling unit shall not exceed 100% of the primary dwelling unit's ground floor square feet, alone or in combination, excluding any attached garage square feet. Dwelling space which may occupy a half story is not subject to this limit, however, the area limit applied for an accessory dwelling unit between this section and section 610 shall be the most restrictive limit.

**C. Height:**

(a) In residential districts, the maximum height shall be 12 feet (12') for a detached garage and 10 feet (10') for any other accessory building.

(b) Additionally and without any increase to the height of the sidewalls of a detached garage or accessory building based on the aforementioned maximum height limitations, the height and pitch of the roof may be increased if, in the discretion of the Zoning Administrator, that increase is necessary to complement the pitch and style of the primary residential structure.

(c) In no event shall a detached garage or accessory building exceed the height of 20 feet (20'), as measured from the established grade to the highest point of the structure.

**D. Separation from Other Buildings:** No accessory building shall be placed within ten feet of any other building on its own property or any adjacent properties.

**E. Attached Accessory Buildings:** Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.

**F. Effect on Adjacent Properties:** If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.

**Commented [TG18]:** This change should allow detached ADUs and no additional accessory structure footprint beyond what is currently allowed for garages. The last line makes the 800 sq. ft. limit for ADUs apply if the footprint of the primary structure is more than 800 sq. ft. and so that a larger than 800 sq. ft. ADU could not be built in a one-and-half-story structure.

G. Hazards: Any accessory use which creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.

H. No accessory building shall be built upon any lot until construction of the principal building has begun.

## 800 ARTICLE EIGHT: LANDSCAPING AND SCREENING REGULATIONS

### 801 PURPOSE.

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Mount Vernon 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 of Mount Vernon.

### 802 APPLICABILITY.

The provisions of this section shall apply to all new development 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.
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 percent. Where such additions or enlargements are 20 percent or greater, these provisions shall apply only to that portion where the new development occurs.

### 803 LANDSCAPING REQUIREMENTS.

Landscaping shall be required adjacent to each street property line and within street yards as set forth in Table 804-A.

### 804 LANDSCAPING MATERIALS AND INSTALLATION STANDARDS.



1. Official List of Prohibited Plant Materials. No plant material listed on a list of restricted or prohibited plant materials provided through the office of the Zoning Administrator shall be installed in required landscaped areas or bufferyards. All plant materials shall conform in size, species and spacing with this section of the ordinance.

2. Use of Inorganic Landscaping Materials. No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. 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. Other 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.

Table 804-A: Required Landscape Depth

Zoning District	Depth of Landscaping Adjacent to Street Property Line	% of first 80 feet of streetyard that must be landscaped	% of streetyard beyond first 80 feet of streetyard that must be landscaped
Zoning District	Depth of Landscaping Adjacent to Street Property Line	% of first 80 feet of streetyard that must be landscaped	% of streetyard beyond first 80 feet of streetyard that must be landscaped
AG	35 feet	80% of whole streetyard	NA
SR	20 feet	55% of whole streetyard	NA
NR, TR	15 feet	45% of whole streetyard	NA
HR	15 feet	45% of whole streetyard	NA
CBD / TC	No Requirement	No Requirement	No Requirement
UC	10 feet	40%	No Requirement
LC	15 feet	20%	5%
GC	15 feet	20%	5%
BP	25 feet	40%	10%
LI	10 feet	15%	5%

805 BUFFERYARD 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 landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 805-A. Bufferyards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district.

1. The bufferyard dimensions set forth in Table 805-A apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.

Table 805-A: Bufferyard Requirements (in feet)

District A (More Intensive District) Note 3	District B (Less Intensive Adjacent District)	SR (Note 1)	TR (Note 1)	HR (Note 1)
District A (More Intensive District) Note 3	District B (Less Intensive Adjacent District)	SR (Note 1)	TR (Note 1)	HR (Note 1)
HR	20	20	20	---
UC	Note 2	Note 2	Note 2	---
CBD / TC	---	---	10	---
LC	20	20	20	10
GC	30	30	30	20
BP	30	30	30	30
LI	40	40	40	30

Note 1: Applies only to residential uses previously established in the zoning district.

Note 2: Vertical screening only is required as set forth in Section 806.

Note 3: Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A

2. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 805-A.
3. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

#### 806 SCREENING STANDARDS.

1. Application. Screening is required between adjacent zoning districts indicated in Table 805-A 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. Major 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.
2. Opaque Barrier. A six foot opaque barrier shall be provided which visually screens the conditions listed in Section 806 (1) (A-F) from less intensive uses as follows:
- A. A solid wood and/or masonry fence or wall at least six feet in height.
  - B. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
  - 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.
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 bufferyard.
4. Screening: Effect on Drainage. Screening shall not adversely affect surface water drainage.
5. Permitted Interruptions of Screening. Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

#### 807 TREE PLANTINGS.

In any landscaped area for commercial uses only required by the Minimum Depth Requirements, the Bufferyard Requirements, or the Parking Lot Interior Landscaping Requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

#### 808 GENERAL PROVISIONS.

1. Time of Application. The provisions contained in this Article shall be applied for each individual lot or site when an application for a building permit on such lot is made. When required, a Landscape Plan shall be submitted with each application for a building permit. Such plan shall be reviewed by the Zoning Administrator for compliance with the provisions of this section.

2. Maintenance of Required Landscaping. Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.

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.

4. Earth Berm Locations. All earth berm locations shall be reviewed by the Zoning Administrator, or his/her designee to determine how the berms shall relate to drainage and public utilities.

5. Exceptions. A development may continue to comply with the bufferyard 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 bufferyard or screening provisions.

## 900 ARTICLE NINE: OFF-STREET PARKING REGULATIONS

### 901 PURPOSE.

The Off-Street Parking Regulations require that developments provide parking 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.

### 902 GENERAL APPLICATIONS

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. Exemptions. Any use within the CB / TC Town Center District other than Uptown Residential is exempt from the off-street parking requirements provided by Section 903. Any off-street parking facility constructed in the CB / TC District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

903 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS.

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 903-A.

1. Computation. When a computation of required parking results in a fraction of 0.5 or greater, the requirement shall be rounded up to the next whole number.
2. Gross Floor Area. 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. Capacity. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code or other official determinations of occupancy in effect for the City of Mount Vernon at the time the use is established.

Table 903-A: Minimum Off-Street Parking Requirements

Agricultural Use	
Types	
Horticulture	1 space per 1,000 square feet of sales area.
Crop Production	No requirement.
Animal Production	No requirement.
Commercial Feedlots	No requirement.
Residential Use	
Types	
Single-Family Residential	2 spaces per dwelling unit.
Duplex Residential	2 spaces per dwelling unit.
Multi-Family Residential	1.5 spaces per efficiency or 1-BR unit; 2 spaces per 2-BR unit; 2.5 spaces for 3 or more BR unit; 1 space per 2 units for elderly housing.
Uptown Residential	1 space per dwelling unit
Group Residential	1 space for each two residents
Mobile Home Residential	2 spaces per dwelling unit.
Retirement Residence	1 space per independent living unit; 0.5 spaces per assisted living unit;
Civic Use Types	
Administration	1 space for 300 square feet of gross floor area.
Cemetery	No requirement.
Clubs	1 space per 4 person capacity.
Convalescent	1 space for 4 beds.

## Services

Cultural Services	1 space per 500 square feet of gross floor area.
Day Care Services	1 space per 5 person capacity + 1 space per employee of largest shift.
Group Care Facility	1 space per 4 person capacity + 1 space per employee of largest shift.
Group Home	1 space per 4 person capacity + 1 space per employee of largest shift.
Guidance Services	1 space per 300 square feet.
Health Care	1 space per 300 square feet + 1 space per employee of largest shift.
Hospitals	1 space per 2 beds.
Maintenance Facilities	See Schedule A.
Parks and Recreation	No requirement.
Postal Facilities	See Schedule A.
Primary Education	1 space per employee of largest shift + 10 stalls for visitors.
Public Assembly	1 space per 4 person capacity.
Religious Assembly	1 space per 4 person capacity in largest assembly area.
Safety Services	1 space per employee of maximum shift + 1 stall per 1,000 sq. ft.
Secondary Education	1 space per employee of max shift + 1 space for each 3 11th and 12th grade students.
Utilities	1 space per employee of maximum shift

## Commercial Use Types

Agricultural Sales/Service	See Schedule A.
Auto Rental and Sales	See Schedule A.
Auto Service *	4 times service capacity.
Body Repair *	5 spaces per repair stall.
Business Support Services	1 space per 500 square feet.
Campground	1 space per camping unit.
Cocktail Lounge	1 space per 200 square feet.
Commercial Recreation	1 space per 4 person capacity.

Communication Services	1 space per 500 square feet.
Construction Sales	See Schedule A.
Consumer Services	1 space per 200 square feet.
Convenience Storage	1 space per 20 storage units. **
Equipment Sales/Service	See Schedule A.
Food Sales (All Types)	1 space per 200 square feet.
General Retail Services	1 space per 200 square feet.
Liquor Sales	1 space per 200 square feet.
Lodging	1 space per unit.
Personal Improvement	1 space per 200 square feet.
Personal Services	1 space per 300 square feet.
Pet Services	1 space per 500 square feet.
Restaurants (Drive-in)	1 space per 50 square feet of customer service area.
Restaurants (General)	1 space per 3 person capacity in dining area.
Stables/Kennels	1 space per employee + 1 stall per 5,000 sq. ft. of site area.
Surplus Sales	See Schedule A.
Trade Services	1 space per 500 square feet.
Veterinary Services	1 space per 500 square feet.

\* Auto Service and Body Repair subject to other restrictions applicable under this ordinance:

Article 6 Supplemental Use Regulations, "Outdoor Storage."

\*\* This standard may be reduced by up to 20% at the discretion of the Building Official, if site plan review demonstrates that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during the peak hours of operation.

Table 903-B: Minimum Off-Street Parking Requirements

#### Office Use Types

Corporate Offices	1 space per 300 square feet.
General Offices	1 space per 300 square feet.
Financial Services	1 space per 300 square feet.
Medical Offices	3 spaces per staff doctor or dentist.

#### Miscellaneous Use Types

Broadcasting Tower	See Schedule A.
Non-Putrescible Landfill	See Schedule A.
All Landfills	See Schedule A.

#### Industrial Use Types

Agricultural Industries	See Schedule A.
Light Industry	See Schedule A.
General Industry	See Schedule A.
Heavy Industry	See Schedule A.
Railroad Facilities	See Schedule A.
Resource Extraction	1 space per employee on largest shift.
Salvage Services	See Schedule A.
Warehousing	See Schedule A.
Construction Yards	See Schedule A.

#### Schedule A

This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics

##### Function of Element

##### Requirement

##### Office or Administration

1 space per 300 square feet.

##### Indoor Sales, Display or Service Area

1 space per 500 square feet.

##### Outdoor Sales, Display or Service Area

1 space per 2,000 square feet.



Equipment Servicing or Manufacturing

1 space per 1,000 square feet.

Indoor or Outdoor Storage or Warehousing

1 space per 5,000 square feet.

904 PARKING FACILITY LOCATION.

1. Residential Parking. Off-street parking for single-family residential uses shall be located on the same lot or site as the use. Off-street parking areas for any multi-family residential uses shall be at least six feet from any main building; and shall not be located within a required front yard or street side yard.
2. Non-residential Parking. Off-street parking for non-residential uses shall be located on the same lot or site as the use, or within 300 feet of that use if the parking site is within a zoning district that permits the Off-Street Parking use type. Control of ownership or use rights to the remote off-street parking must be demonstrated as a condition of permission.
3. Parking for People with Disabilities. Each off-street parking facility shall provide the number of parking spaces set forth in Table 904-A designed and designated for use by people with disabilities. Parking spaces shall be van-accessible. Design criteria and dimensions are set forth in the Off-Street Parking Design Standards and the requirements of the Americans with Disabilities Act. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.

Table 904-A: Accessible Parking Requirements

Number of Stalls	Number of Required Accessible Spaces	Number of Stalls	Number of Required Accessible Spaces
1-25	1	201-300	7
26-50	2	301-400	8
51-75	3	401-500	9
76-100	4	501-1,000	2% of total
101-150	5	1,001 and over	20, plus 1 for each 100
151-200	6		stalls over 1,000

905 OFF-STREET PARKING DESIGN STANDARDS.

1. Dimensions. Dimensions for parking facilities shall be as follows:

- A. Standard parking stalls shall be 9 feet wide and 18 feet long.
- B. Parking facilities may provide up to 40% of their total stalls as designated compact stalls. Compact parking stalls shall be a minimum of 8.5 feet wide and 16 feet long.
- C. Where parking stalls are located adjacent to landscaped areas, the paved depth of such stalls may be decreased by two feet to provide for a vehicle overhang area. The vehicle overhang area may not encroach into a required landscaped area or public sidewalk.
- D. Spaces designated for the handicapped shall have a minimum width of 12 feet. Each handicapped space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.

2. Pavement and Drainage. Off-street parking facilities shall be surfaced with concrete, asphalt, or brick and shall be maintained with materials sufficient to prevent mud, dust, or loose material. 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. 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 Building Official.
- D. Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. Parking facilities within the LI District shall be exempt from this requirement.
- E. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Article 8.
- F. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or

sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

4. Entrances and Exits. 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 non-residential traffic away from residential areas. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.

5. Safety Features. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

6. 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, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

7. Board of Adjustment. For uses subject to a 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 Article.

#### 907 BICYCLE PARKING REQUIREMENTS.

Each parking facility providing 50 spaces or more shall provide parking accommodations for bicycles as provided by the Table 907-A:

TABLE 907-A: Bicycle Parking Requirements

Number of Parking Stalls	Required Bicycle Spaces
50-100	5
100-150	8
150-200	10
Over 200	2 additional spaces for each 50 parking stall

1. Bicycle parking facilities shall include bicycle racks secured to prevent easy removal, bicycle lockers, or bicycle posts or bollards expressly designed for the secure storage.

2. The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient automobile parking not reserved for use by disabled people.

3. Bicycle parking should be located to prevent hazards or obstructions to the normal flow of pedestrians into a use.

908 OFF-STREET LOADING REQUIREMENTS.

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.

2. Schedule of Loading Spaces. Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 908-A.

TABLE 908-A: Off-Street Loading Requirements

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 12 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 Article.

910 PARKING FOR PERSONAL AND RECREATIONAL VEHICLES.

This section permits the parking of personal vehicles and recreational vehicles on a single lot in a residential district subject to specific conditions. Commercial vehicles and commercial trailers, including, but not limited to, skid loaders, tractors, plows, tractor cab units, shall not be parked outside on any lot within the SR, NR, TR and HR residential zoning districts.

1. Personal Vehicles. Personal vehicles include passenger cars, vans, sport utility vehicles and pickup trucks. Maximum height of any personal vehicle may not exceed eight feet from grade. Location of Parking for Personal Vehicles shall be subject to the following:

A. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.

B. Parking is permitted on an all-weather driveway (defined as either paved, gravel or stone) within the front yard setback, but shall in no case encroach upon the public right-of-way.

C. Parking may occur in the rear yard or side yard setback if on an all-weather parking space which is connected by an all-weather driveway to a dedicated public right-of-way and/or alley, provided the surfaced parking area does not exceed the maximum impervious coverage limit for the lot.

D. Personal vehicles may not be parked on the grass.

2. Recreational Vehicles. Recreational vehicles include motor homes, camping trailers (including fifth wheel trailers), fold down campers, boats, and boat trailers (see definitions). Parking and storage of recreational vehicles within residential districts is subject to the following conditions:

A. Recreational vehicles in excess of thirty-two (32) feet in length shall not be parked on any lot within the SR, NR, TR and HR districts. No more than one recreational vehicle on any one lot may exceed twenty-five (25) feet in length.

B. Recreational vehicles must be maintained in a clean, well-kept state. Recreational vehicles must be in operable condition and display a current vehicle, trailer or boat license/permit.

C. Liquefied petroleum gas containers attached to any recreational vehicle must 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.

D. Recreational vehicles shall be occupied only by non-paying guests for a maximum of seven (7) consecutive days, but for no more than twenty-one (21) days total during any calendar year. Cooking in the recreational vehicle is prohibited at all times.

E. Recreational vehicles may not be permanently connected to public utilities.

F. Recreational vehicles may not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle.

G. Location of parking:

(a) Parking is permitted on an all-weather driveway (defined as either paved, gravel or stone) within the front yard setback, seasonally from May 1 - October 1. In no case shall parking encroach upon the public right of way.

(b) Parking is not permitted within the side yard setback. Parking is also not permitted within the rear side yard setback or the rear setback defined in section 702-2-F pertaining to accessory buildings.

(c) Recreational vehicles may not be parked on the grass.

H. No more than two recreational vehicles may be stored on a residential lot unless those in excess of two are effectively screened on each side adjoining a street or property situated in a residential district. An effective screen is defined as a wall, fence or densely planted hedge sufficient to shield the vehicle from vision when observed from ground level.

I. The floor area of each recreational vehicle parked on a residential lot will be counted as building coverage for that lot. Parking of recreational vehicles on lots that exceed the maximum building coverage, will only be permitted on a temporary basis as allowed by paragraph D and G above.

#### 911 STORAGE AND PARKING OF UNLICENSED OR OTHER VEHICLES.

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 of Mount Vernon; provided that conformance with the following shall not constitute a violation of this section:

1. The storage of any unlicensed and/or unregistered motor vehicle in a fully-enclosed garage.
2. The storage of operable off-highway farm or industrial vehicles on tracts zoned AG Agriculture or LI industrial uses, and used in agricultural or industrial activity conducted on the premises.
3. The storage of not more than one personal vehicle in good operable condition and shielded from view of the general public by a manufactured and fitted vehicle cover and located on a paved driveway pursuant to a permit to store obtained from the City of Mount Vernon. The permit shall be issued without cost to the applicant and shall:
  - A. Be issued for a period of not to exceed six months and shall be renewable upon application for like periods as long as such storage is in all respects in compliance with this section;
  - B. Identify the vehicle by make, year of manufacture, model and manufacturer's identification number;
  - C. State the reason the vehicle does not bear a current registration and license;

D. Require owner to prove continued operability of the vehicle within 72 hours upon request of the Police Department;

E. Contain the property owner's and vehicle owner's consent for the City and its agents to enter upon the premises and vehicle for purposes of identification and inspection of the vehicle.

4. The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Mount Vernon, except in enclosed buildings or garages or where otherwise permitted by this ordinance.

5. 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 of Mount Vernon; provided, however, that 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 Mount Vernon 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.

6. Before the City removes a vehicle suspected of being in violation of this section, by reason of it being inoperable, the City shall give the owner of the premises upon which the offending vehicle is situated a 48-hour warning notice. Notice shall be given by tagging the motor vehicle and by regular mail, postage pre-paid to the occupier of the premises on which the motor vehicle is situated. Any motor vehicle not removed from the premises within such 48-hour period shall be presumed to be inoperable and may thereafter be removed by the City. If he/she chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the Mount Vernon Police Department to demonstrate operability of the vehicle within said 48-hour period. If operability of the vehicle is satisfactorily demonstrated, the automobile need not be removed.

## 1000 ARTICLE TEN: SIGN REGULATIONS

### 1001 PURPOSE.

The Sign Regulations provide standards for communicating information in the environment of the City of Mount Vernon and its jurisdiction. The historic and architectural

value and quality of Mount Vernon is particularly important to the city's future. Street graphics and signs have a significant impact on the overall appearance and visual quality of the community. Therefore, it is essential that the style, quality, and design of signs support the city's overall quality and reflect its historic character. In addition, signs can have a significant impact on the value and economic stability of adjacent properties. Therefore, sign design must reflect the basic value that development on one site must preserve the integrity of neighboring sites.

The purpose of this article is to provide minimum standards to safeguard life, health, property, and public welfare, and to preserve the character of the city by regulating the size, sign height, design, quality of materials, construction, location, lighting, and maintenance of signs and sign structures not enclosed within a building, and to accomplish the following:

1. Encourage a desirable city character with a minimum of clutter, while recognizing the need for signs as a major form of communication;
2. Provide for fair and equal treatment of all sign uses;
3. Encourage signs that are well designed and pleasing in appearance, as well as variety, design relationship, spacing, and location;
4. Provide for maximum public convenience by properly directing people to various activities, and;
5. Promote public safety by providing that official traffic regulation devices be easily visible and free from nearby obstructions, including, but not limited to, blinking signs, excess number of signs, or signs resembling official traffic signs.

#### 1002 OBJECTIVES.

This article is also intended to assist in achieving the following objectives:

1. To authorize the use of signs which are:
  - A. Compatible with their surroundings and the zoning district;
  - B. Appropriate to the type of activity;
  - C. Expressive of the identity of the proprietors; and
  - D. Legible in the circumstances.
2. To foster high quality commercial development and to enhance the economic vitality of existing businesses by promoting the reasonable, orderly, and effective display of signs, and to encourage better communication with the public.
3. To encourage sound, proper display practices and to mitigate the objectionable effects of competition with respect to the size and placement of signs.



4. To enhance the physical appearance of the City of Mount Vernon by protecting the built environment and natural beauty of the area.
5. To protect pedestrians and motorists from damage or injury that might result from improper construction, placement, or use of signs.
6. To protect the public by reducing the obstructions and distractions that might cause traffic accidents.
7. To preserve the value of private property by assuring the compatibility of signs with nearby land uses.
8. To preserve and enhance the natural beauty and unique character of the City of Mount Vernon.
9. To promote convenience, enjoyment, and free flow of traffic within the City of Mount Vernon.
10. To protect the public's ability to identify uses and premises without confusion.

#### 1003 DEFINITION OF TERMS.

The following definitions shall be used for terms contained in the article that are not otherwise defined in the Mount Vernon Municipal Code or in this Zoning Ordinance. For the purposes of this Article, Sign is defined as:

A symbolic, visual device fixed upon or supported by a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

This definition shall not include festival or holiday decorations; the use of a flag, emblem, insignia, or other display of any nation or political subdivision; traffic, safety or similar regulatory devices; legal notices; scoreboards; memorial signs or tablets; emblems of religious institutions that are attached to buildings; building names structurally integrated into the surface of a building; and customary displays of merchandise or objects and materials placed behind a store window.

1. Abandoned Sign: A sign, including sign face and/or supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site more than six months after the date of such discontinuance; or which contains no sign copy on all sign faces for a continuous period of six months.
2. Area: See Sign Area
3. Attached Sign: A sign which is structurally connected to, painted on, or applied to a building and which depends upon that building for support.

4. **Auxiliary Design Elements:** Terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
5. **Awning Sign:** A sign which is part of or attached to a retractable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework.
6. **Banner:** Temporary signs hung with or without frames, possessing characters, letters, illustrations, ornamentation's applied to paper, plastic, fabric, or other non-rigid material of any kind.
7. **Bare Bulb:** an electronic component in which electric current is converted directly into visible, ultra-violet, or infrared light and, whether covered by a clear or colored transparent layer or uncovered, is directly visible at eye level. Any bulb covered by or enclosed in a translucent layer is not a bare bulb; any bulb shielded by an opaque shade or hood so as to cover the bare bulb at eye level is not a bare bulb.
8. **Building Marker:** An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
9. **Business Center Identification Sign:** A sign which identifies a Business Center and its tenants.
10. **Changeable Copy Sign:** A sign on which copy is changed manually.
  11. **Civic sign:** A sign promoting civic campaigns or events.
12. **Clearance:** The distance from the bottom of a sign face elevated above grade and the grade below.
13. **Detached Sign:** A sign which is self-supporting and structurally independent from any building.
14. **Direct Illumination:** light source that is not shielded and is directly visible at eye level.
15. **Directional Sign:** A sign which serves only to designate the location or direction of any area or place.
16. **Double-Faced Sign:** A sign consisting of no more than two parallel faces supported by a single structure.
17. **Electronic Signs:** A sign, or portion of a sign, that displays an electronically controlled and conveyed image or video, which may or may not include text. This definition includes, but is not limited to electronic text message signs, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.
18. **Frontage:** The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

19. Ground Sign: A detached sign which is self-supporting and structurally independent from any building, built on a freestanding frame, mast, or pole(s).
20. Height: See Sign Height
21. Historical Sign: A sign which displays only historical information about a building or site.
22. Home Occupation Sign: A sign identifying a home based business as per Article 6, Section 610.
23. Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
24. Incidental Sign: An announcement or other display providing information about the occupancy or conduct of business permitted on a premises, such as logos of credit cards accepted on the premises, hours of operation, a non-illuminated "closed" or "open" sign, emergency contact person name and telephone number, street address, "help wanted", "no loitering or solicitations", "we check IDs", security system notices, notices required by law, and similar information.
25. Indirect Illumination: light source that is shielded so as not to be directly visible at eye level.
26. Internal Illumination: light source that is enclosed in a diffusing, translucent or translucent/opaque enclosure in such a way that the light source is not directly visible.
27. Light Source: any device serving as a source of illumination - this includes but is not limited to, incandescent bulbs, fluorescent tubes or bulbs, LEDs, or neon tubes or facsimiles.
28. Maximum Permitted Sign Area: The maximum permitted combined area of all signs allowed on a specific property.
29. Neon Sign: A sign made of continuous luminous tubes containing neon or other inert gases that glow brightly when high voltage is applied.
30. Nonconforming Sign: A sign that was legally erected prior to the adoption of this article but which violates the regulations of this article.
31. Off-Premises Sign: A sign which advertises goods, services, facilities, events, causes or attractions available at a location other than the premises where the sign is located.
32. On-Premises Sign: A sign other than an off-premise sign.
33. Political Sign: A temporary sign designed to attract support for a particular candidate, political party, or political issue or to express an opinion on any matter of public interest.
34. Portable Sign: Any sign attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.

35. Premises: A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
36. Projecting Sign: A sign that is attached to and is perpendicular to a building face.
37. Residential Sign: A sign, other than a Home Occupation Sign, located on a residential premise, conveying a noncommercial message communicated by the owner of the property.
38. Roof Sign: Any sign or part of a sign erected upon, against, or over the roof or on top of or above the parapet or cornice of a building.
39. Shingle Sign: A projecting sign.
40. Sign Area: The area of an imaginary box enclosing all elements of the sign intended to convey information.
41. Sign Height: The distance between the topmost point of the sign structure and the grade level at the point of the center line of the public street or road closest to the sign.
42. Sign Structure: Any structure which supports or is capable of supporting any "sign" as defined in this code.
43. Temporary Signs: A sign, flag, banner, pennant, or valance constructed of lightweight materials which is intended for display for a limited period of time.
44. Wall Sign: See Attached Sign.
45. Window Sign: See Attached Sign.

#### 1004 GENERAL SIGN REGULATIONS

1. Compliance. Each sign or part of a sign erected within the zoning jurisdiction of the City of Mount Vernon must comply with the provisions of this article and of other relevant provisions of the City of Mount Vernon's Municipal Code.
2. Resolution of Conflicting Regulations. This article is not meant to repeal or interfere with enforcement of other sections of the City of Mount Vernon's Municipal Code. In cases of conflicts between Code sections, State or Federal Regulations, the more restrictive regulations shall apply.
3. Prohibited Signs. The following signs are prohibited in all zoning districts.
  - A. Signs painted on or attached to rocks, trees, or other natural objects.
  - B. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.

C. Signs on public property or public right-of-way, unless specifically authorized by the appropriate public agency.

D. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.

E. Portable signs.

F. Abandoned signs.

G. Signs that are not clean or in substantially good repair, or are not affixed to a sound structure.

H. Signs advertising activities that are illegal under Federal, state, or local laws and regulations.

I. Roof signs.

J. Signs which include attention-getting devices including visible mechanically moving parts, searchlights, flags, banners, propellers, streamers, ribbons, strings of bare bulbs, balloons, or similar devices, except for special occasions such as grand openings, subject to issuance of a permit from the Zoning Administrator.

K. Signs with blinking, flashing, or fluttering lights or other illuminating device that has a changing light intensity, brightness, or color.

L. Any sign not explicitly permitted by this article.

4. Exempt Signs. The following signs are permitted in any zoning district and are exempt from other provisions of this Article. No Exempt Sign shall have any characteristic of a Prohibited Sign or violate any restriction on sign location or illumination contained in this article.

A. Changeable Copy Signs for religious assembly or civic use school uses, provided that they have a maximum sign area of twelve square feet.

B. One non-illuminated real estate sign per premises with a maximum size of six square feet per premises. Such signs shall have a maximum sign height of six feet and shall be located within the property advertised for sale or rent.

C. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.

D. Non-illuminated construction signs with a maximum size of 32 square feet per site and located on a construction site. Such signs shall have a maximum sign height of 10 feet and a minimum setback of 20 feet unless located on the wall of a building.

E. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.

F. Non-illuminated political signs on private property are allowed but shall only be placed sixty (60) days before the election and shall be removed ten (10) days after the election in which said sign is promoting.

G. Non-illuminated residential signs.

H. Non-illuminated neighborhood or subdivision identification signs under 50 square feet.

I. Street numbers.

J. Incidental signs.

K. 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.

L. Historical or interpretive signs or plaques, identifying buildings or sites as properties listed on the National Register of Historic Places or designated as local historical sites by action of the City Council.

M. Signs belonging to Cornell College and used to identify official college properties, structures, functions, uses, or operations. These signs may be temporary (e.g. Welcome to Cornell College) or permanent (e.g. Student Lot 3). These signs are intended only for official Cornell College identifications or uses.

5. Temporary Signs. Temporary signs, including those temporary signs for grand openings, sales, and special events, are permitted in zoning districts AG, BP, GC, LC, LI, CB, TC and UC, subject to the following requirements:

A. The size does not exceed the individual sign limitations set forth in Table 1010-D.

B. No more than one such sign is permitted at any single premises.

C. Temporary signs may be present at any single premises for a maximum of 45 days per calendar year.

D. Temporary signs for non-profit civic events, or other non-commercial events are permitted in any zoning district subject to the following requirements:

(a) Such signs are installed no earlier than 30 days before the date of the event and removed no later than 7 days after the date of the event.

(b) The maximum size of such signs is 10 square feet when located in any residential and LC zoning district; and 100 square feet in any other zoning district.

(c) Banners attached to city property - light poles or signs - must be approved by the Zoning Administrator, although no formal permit is required.

6. Civic Signs. Civic signs, as defined, are permitted in AG, Residential Overlay, BP, GC, LC, LI, CB, TC and UC zoning districts subject to the following requirements:

A. The size does not exceed the individual sign limitations set forth in Tables 1010-C and 1010D. However, civic signs do not count against the bulk requirements for signage on a property regarding the number of signs and allowable square footage of signs.

B. No more than one such sign is permitted at any single property.

C. Allowed On and Off Premises.

7. Bufferyards. No sign other than on-premise directional signs shall be placed within any bufferyard required by Article 8, Landscaping and Screening Regulations, except bufferyards adjacent to intervening major streets.

8. Vision-Clearance Area. No ground sign in districts BP, GC, and LI may project into or be placed within a vision-clearance area defined by a triangle with legs of 45 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.

#### 1005 DESIGN ELEMENTS

##### 1. Electronic Signs.

A. Where allowed, one electronic sign shall be allowed per premise.

B. No electronic sign shall exceed twenty-five percent of the maximum permitted sign area for any premise.

C. Each image displayed, including text, must be static and depicted for a minimum of three (3) seconds.

##### 2. Historical Identification Signs.

A. One sign per building or site.

B. Maximum sign area is two square feet.

3. Home Occupation Signs. Each Home Based Occupation business shall be permitted to have one wall sign not to exceed one square foot in area.

##### 4. Projecting Signs.

A. Projecting signs permitted within the CB, TC or UC Districts shall be limited to shingle-type signs.

B. Maximum Size: Eight square foot maximum total area for each side of the sign.

C. One such sign shall be allowed for each business front and shall be adjacent to the business which it identifies.

D. No such sign may be internally illuminated.

E. Each projecting sign must maintain at least the following vertical clearance:

- (a) 8 feet over sidewalks or landscaped areas.
- (b) 15 feet over parking lots.
- (c) 18 feet over alleys or driveways.
- (d) The maximum projection may not exceed 5 feet.

5. Wall Signs.

- A. No wall sign shall wholly or partly cover any wall opening or distinctive architectural feature.
- B. A wall sign shall not extend beyond the ends or top of the building wall to which it is attached.
- C. 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 minimum clearance of eight feet.
- D. Each wall sign shall be safely and securely attached to the building wall.

1006 ILLUMINATION.

- 1. Signs shall only be illuminated internally or indirectly.
- 2. Illumination, when installed for the purpose of lighting a specific sign or group of signs, must be positioned in such a manner that light is not directed at an adjoining property or at a public street or highway.
- 3. In all districts, except GC and BP, with all lighting components energized, the lighting intensity of any sign, whether resulting from internal or external illumination, shall not exceed 600 LUX (see Note 1 below) when measured with a hand-held incident light meter - designed to measure illuminance - held at a distance of one foot from the sign face or the window surface in front of the sign if the sign is inside and facing out. If other illuminated signs are present, the sign being read should be shielded as much as possible. For signs behind windows, a piece of cardboard held against the window at a point close to the edge of the sign being measured reasonably shields the light from other signs. For signs outside, a piece of cardboard held near the edge of the sign being measured and separating it from adjacent signs will act as sufficient shielding.
- 4. Maximum brightness levels for electronic signs shall not exceed 4,000 nits (see Note 2 below) when measured from the sign's face at its maximum brightness during daylight hours and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn.
- 5. No illumination shall be anything other than a steady, continuous burning, and where necessary properly shielded, light source. Bare bulbs are prohibited. Flashing, blinking, oscillating, rotating or intermittent turning on-and-off of any illuminating device is



prohibited. Time/weather informational signs and official warning and regulatory signs erected by the city or state are exempt from this regulation.

6. Neon shall be considered indirect illumination and not a bare bulb.

Note 1: LUX is a measure of the illumination of a surface from a point source. In this case, the surface is the bulb on an incident light meter and the point source is the sign. The light from the sign illuminates the meter at some measurable level. This is what we use as a standard for smaller signs.

Note 2: The NIT is a non-SI unit of visible light intensity - the amount of light emitted from a particular area or surface - used by the sign industry in the US - the SI equivalent is one candela per square meter. It is an indicator of how bright a surface will appear. The nit is a rather small unit of brightness -- an LCD computer screen has an output of about 200-300 nit. The night-time standard set in this ordinance is about 1 ½ times as bright as a typical computer screen; the day-time standard is about 13 times brighter than this same screen. Sign companies can easily calculate the nit values for any given illuminated sign - these are part of the sign specifications. We use this to measure the brightness of electronic signs - message boards, LCD screens, and the like. See earlier definition of electronic signs.

#### 1007 METHOD OF MEASUREMENT FOR REGULATORS.

1. Maximum Permitted Sign Area. Maximum permitted sign area for a premises is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. The maximum permitted sign area includes the aggregated area for all types of signs combined on a premises, unless otherwise exempted. For properties with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.

2. Double Faced Signs. The area of double-faced signs is calculated on the largest face only.

3. Setback. All parts of a sign must meet all setback regulations, unless allowed otherwise (i.e. projected signs).

#### 1008 BULK REQUIREMENTS.

1. Table 1010-A sets forth the sign types permitted within each zoning district of the City of Mount Vernon.

2. Table 1010-B sets forth auxiliary design elements permitted within each zoning district of the City of Mount Vernon. In specific cases where an auxiliary design element otherwise prohibited produces a sign of special design character that does not otherwise negatively affect surrounding properties, the City Council may grant permission for the use of such elements.

3. Table 1010-C sets forth the maximum sign area permitted within each zoning district of the City of Mount Vernon.
4. Table 1010-D sets forth the maximum permitted numbers of signs per premise; the maximum permitted dimensions of each sign; and the required setbacks for detached signs.

#### 1009 GENERAL PERMIT PROCEDURES

1. **Applicability.** Any installation or expansion of any sign under this article shall be subject to the following permit procedure prior to installation or expansion. No sign permit is required under the following conditions:

- A. Signs identified as Exempt.
- B. Temporary, Portable, or Civic signs as defined in this article do not require permits as long as these signs are in compliance with the rest of this article.
- C. Copy on previously permitted signs may be changed provided that the changed sign remains in compliance with the rest of this article.
- D. New versions of previously permitted signs (e.g., a new beer sign, new cell phone sign, or new illuminated "OPEN" sign) may replace older versions provided that the maximum permitted sign area is not exceeded and the replaced sign is in compliance with the rest of this article.
- E. Modifications in auxiliary design elements may be made to previously permitted signs and sign type may be changed, so long as the modification and new type complies with the rest of this article.

2. **Maintenance of Valid Sign Permit.** The owner of a sign requiring a permit under this Article shall at all times maintain in force a valid sign permit for such sign. A sign permit may be revoked if the sign is not maintained in good physical condition.

3. **Sign Permit Applications.** All applications for sign permits shall be submitted to the Zoning Administrator on the official Sign Permit Application Form currently in use by the City of Mount Vernon.

4. **Application Fees.** Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the City Council from time to time by resolution.

5. **Action.** Within ten working days of the submission of a completed Sign Permit Application the Zoning Administrator shall either issue the requested permit or reject the application stating the reasons for the rejection.

6. **Permit Expiration.** If a sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse. The Zoning

Administrator may extend such expiration date if he/she determines that special circumstance have delayed installation of the sign.

7. Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor owner of the sign. The successor owner shall notify the City of Mount Vernon of the assignment within 30 days.

1010 NONCONFORMING SIGNS.

1. Permanent Signs. All permanent signs in place and lawfully established on the effective date of this Ordinance shall be considered as legal nonconforming signs. The copy of such a sign may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date.

2. Damaged, Deteriorated or Altered Signs. Any nonconforming sign which presently is or becomes structurally damaged, deteriorated, or altered may be repaired and reconstructed provided there is no increase in the degree of nonconformity.

Table 1010-A: Permitted Signs by Type and Zoning Districts

Sign Type	AG	SR	NR, TR	HR	CB	TC	UC	LC	GC	BP	LI
Detached Signs											
Directional	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P
Ground	P	N	N	N	P	P	P	P	P	P	P
Off-Premise	N	N	N	N	N	N	N	N	N	N	N
Electronic	N	N	N	N	N	N	N	N	P	P	P
Portable	N	N	N	N	N	N	N	N	N	N	N
Attached Signs											
Awning	N	N	N	P	P	P	P	P	P	P	P
Banner	N	N	N	N	P	P	P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	P	P
Directional	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P
Off-Premise	N	N	N	N	P	P	P	P	P	P	P
Projecting	N	N	N	N	P	P	P	N	N	N	N
Roof	N	N	N	N	N	N	N	N	N	N	N
Wall	P	P	P	P	P	P	P	P	P	P	P
Window	N	N	N	N	P	P	P	P	P	P	P
Miscellaneous											
Portable	N	N	N	N	N	N	N	N	N	N	N

Temporary P P(C) P(C) P(C) P P P P P P P

P: Permitted for All Uses P(C): Permitted for Civic Uses N: Not Permitted

Table 1010-B: Auxiliary Design Elements Zoning Districts

Design Element	AG	SR	NR, TR	HR	CB	TC	UC	LC	GC	BP	LI
Design Element	AG	SR	NR, TR	HR	CB	TC	UC	LC	GC	BP	LI
Illumination											
Indirect	P(C)	P(C)	P(C)	P(C)	P	P	P	P	P	P	P
Direct	N	N	N	N	N	N	N	N	N	N	N
Internal	P(C)	P(C)	P(C)	P	P	P	P	P	P	P	P
Neon	N	N	N	P	P	P	P	P	P	P	P
Flashing	N	N	N	N	N	N	N	N	N	N	N
Flame	N	N	N	N	N	N	N	N	N	N	N
Bare Bulb	N	N	N	N	N	N	N	N	N	N	N
Electronic	N	N	N	N	P	P	P	P	P	P	P

P: Permitted for All Uses P(C): Permitted for Civic Uses N: Not Permitted

Table 1010-C: Permitted Signs by Maximum Permitted Area and District

The Maximum Permitted Area for all signs on a premises excluding incidental signs, building marker signs, and flags shall not exceed the lesser of the following:

Zoning District	AG	SR, NR, TR	HR	CB	TC	UC	LC	GC	BP	LI
Square Feet of Signage per Linear Foot of Frontage	NA	NA	NA	1.0	1.0	1.0	1.0	1.5	1.0	1.5
Maximum Total Square Feet	Note 1	Note 2	Note 3	150 Note 7	150 Note 7	150 Note 4,5,7	200 Note 4	NA Note 5,6	200 Note 4	300

Note 1: 100 square feet for civic or commercial uses, 1 square feet for residential uses, including home-occupation businesses.

Note 2: 32 square feet for permitted non-residential uses, 1 square feet for residential uses, including home-occupation businesses.

Note 3: 48 square feet for project identification signs for multi-family or mobile home developments and for permitted non-residential uses; 2 square feet for residential uses, including home-based businesses.

Note 4: Maximum limits apply to non-residential premises only. On premises with primary residential use, 75 square feet for project identification signs for multi-family developments, 1 square feet for residential uses, including home-based businesses.

Note 5: One Business Center Identification Sign with a maximum area of 150 square feet is permitted in addition to the Maximum Permitted Sign Area, subject to the regulations set forth by Table 1010-D.

Note 6: No single sign may exceed 150 square feet. Multiple detached signs must be distributed along the frontage of the premises and separated by a minimum of 200 feet between signs - See Table 1010-D.

Note 7: Projecting, portable, historical identification and awning signs are not included in the total allowable Square Feet of Signage.

Table 1010-D: Permitted Signs by Numbers, Dimensions, and Location

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and sign height in this table.

Zoning District	AG	SR, NR, TR	HR	CB	TC	UC	LC*	GC*	BP*	LI*
Zoning District	AG	SR, NR, TR	HR	CB	TC	UC	LC*	GC*	BP*	LI*
Ground Signs										
Number Permitted										
Per Premise	1	0	0	0	1	1	NA	NA	NA	NA
Per Feet of Frontage	NA	NA	NA	NA	NA	NA	1 per 200	1 per 200	1 per 400	1 per 300
Maximum Size (SF)	100	NA	NA	NA	100	100	150	150	100	150
Maximum Sign Height of Structure (feet)	25	NA	NA	NA	6	6	10	25	25	20
Front Yard Setback (feet)	25	NA	NA	NA	0	5	5	5	15	15

Side Yard Setback (feet)	10	NA	NA	NA	0	5	5	20	20	20
Attached Signs										
Maximum Size (SF)	100	32	48	100	100	100	150	150	100	150
Projecting Sign	NA	NA	NA	8	8	8	NA	NA	NA	NA
% of Street Facade	NA	NA	NA	20%	20%	20%	20%	25%	20%	25%

\* In addition to its total permitted sign area, each premises used for a business center may have one Business center identification sign, subject to the following conditions:

1. The maximum area for a center identification sign shall be 150 square feet.
2. No Business Center Identification Sign shall be within 300 feet of any other Business Center Identification Sign or within 150 feet of any other detached sign on the same premises.
3. The sign shall display no more than the name and location of the business center.
4. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this Article.

## 1100 ARTICLE ELEVEN: OUTDOOR LIGHTING REGULATIONS

### 1101 PURPOSE AND INTENT.

To protect and preserve the rights, privileges and property of the City’s residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents, the provisions of this chapter are intended to minimize glare, and light trespass and establish regulations for outdoor lighting in the zoning districts: Town Center, Limited Commercial, General Commercial, Business Park, Light Industrial, Agricultural, and Urban Corridor (also known as Mixed Use Corridor). All outdoor recreation facilities including the recreation facilities of the City of Mount Vernon, Cornell College and Mount Vernon Community School District are also covered by this chapter. This chapter does not include areas zoned as residential. All outdoor lighting shall be installed with the idea of being a “good neighbor,” to keep unnecessary direct light from shining onto abutting properties or streets.

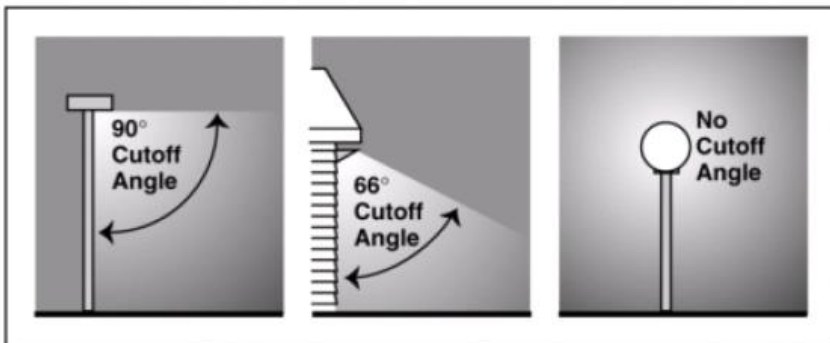
This chapter is not intended to provide a dark sky ordinance, but instead encourages lighting practices that will reduce light pollution referenced and defined as over

illumination, glare, light trespass and sky glow. It also sets standards for outdoor lighting so that its use does not interfere with the reasonable use and enjoyment of property within the City. It is recognized that this chapter might need to be revised to accommodate lighting designs and fixtures that are newly developed after the adoption of this chapter.

#### 1102 DEFINITIONS.

For the purposes of this chapter, terms used shall be defined as follows:

1. After Hours Lighting. Standard light levels during the hours of 10 p.m. and 6 a.m. through the means of a control system or systems for outdoor general area lighting.
2. Average Light Level. The overall average of all points on the surface of the illuminated area including the brightest and dimmest points.
3. Candlepower. Luminous intensity of a light in a specified direction measured in candelas (cd) (e.g., an ordinary wax candle has a candlepower of one candela).
4. Cut Off Angle (of a Luminaire). The angle, measured up from nadir, between the vertical axis and the first line of sight at which the light source is not visible, displayed as follows:



5. Cutoff Fixture. A luminaire, which has a light distribution where the candlepower does not exceed 2.5% of the lamps' rated initial lumen output at an angle of 90 degrees above nadir, and does not exceed 10% of the lamps' rated initial lumen output at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.
6. Color Rendering Index (CRI). A measurement comparing the color of an object under a light source to a reference light source of comparable temperature. CRI values generally range from 0 – 100. As the CRI approaches 100, the color of the lit object becomes truer or closer to the original color. See Appendix for chart.
7. Foot-candle (fc). A unit of illumination when one lumen is evenly distributed on a one square foot area.

8. Forward Throw. Any down light luminaire whose distribution pattern is Type IV (as defined by the IESNA). These luminaires have minimal backlight effect thereby reducing light trespass.
9. Full Cutoff Fixture. A luminaire, which has a light distribution where the candlepower does not exceed 0% of the lamps' rated initial lumen output at an angle of 90 degrees above nadir, and does not exceed 10% of the lamps' rated initial lumen output at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.
10. Glare. An extreme contrast between bright and dark areas in the field of view.
11. Horizontal Foot-candles. The amount of light being received on a horizontal surface such as roadway or parking lot pavement, measured at the target surface.
12. HID. High Intensity Discharge lamps.
13. IESNA. The Illuminating Engineering Society of North America.
14. Illuminance. Lumens per unit area of incident on a surface, measured in Foot-candles (1fc = 1 lm/sf).
15. Illumination. An alternative term for illuminance most commonly used to avoid confusion between illuminance and luminance. (e.g., it can be used in a qualitative sense to designate the act of illuminating or quantitatively by stating level of illumination).
16. Initial Lumens. Lumens rating for a brand new light bulb (light output diminishes over the life of a bulb).
17. Light Trespass. Light falling beyond the intended target area where the light is not wanted or needed, including by way of illustration, but not necessarily limited to, across property boundaries.
18. Lumen (lm). A measure of light energy generated by a light source. (e.g., 1800 lumens is the approximate equivalent to a 100 watt incandescent bulb).
19. Luminaire. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, such as reflectors, refractors, lenses, etc.
20. Luminance. The luminous intensity of a surface in a given direction per unit of projected area. (e.g., candela/SF). This is not to be confused with ILLUMINANCE. See candlepower definition.
21. Maximum Light Levels. The brightest point on the surface of the illuminated area.
22. Minimum Light Levels. The dimmest point on the surface of the illuminated area.
23. Mounting Height. The vertical distance from the face of the luminaire to the surface area intended to be lit.
24. Nadir. The vertical line projecting downward to the ground from the center of the lens of a luminaire.



25. Over Illumination. The light level in excess of the standard light set forth in this chapter.
26. Sky Glow. The “glow” effect that is visible above highly illuminated areas.
27. Standard Light Levels. Maximum light level approved for the property.
28. Uniformity Ratio. The ratio of average illumination to minimum illumination within a given area.
29. Vertical Foot-candles. The amount of light being received on a vertical surface such as a billboard or building facade, measured at the target surface.

#### 1103 GENERAL REGULATIONS.

1. After Hours Lighting. The standard light levels between the hours of 10:00 p.m. and 6:00 a.m. shall be reduced by 60%. Businesses open between 10:00 p.m. and 6:00 a.m. are exempt, however they must comply with the requirements of this chapter within one hour after closing. For the purposes of security, businesses may install motion detectors to allow the temporary increase of illumination to the before 10:00 p.m. level.
2. Mounting Heights. The luminaire mounting height shall be limited to a maximum of fifteen (15) feet in Town Center and Urban Corridor or when placed within 50 feet of a residential zoning district. In all other zoning districts, luminaire mounting height shall not be more than thirty (30) feet with the exception of sports lighting which shall follow IESNA guidelines.
3. Light Sources. The use of incandescent lamps or low pressure sodium mercury vapor HID lamps shall not be permitted for outdoor lighting.

#### 1104 LIGHT TRESPASS.

1. When a light source originating on a legally described parcel of land with one of the following zoning designations (CB, TC, LC, GC, BP, LI, AG) is adjoining a legally described parcel of land with one of the following zoning designations (SR, NR, TR, or UC), the illumination at adjoining property lines shall not exceed 0.5 horizontal foot-candles and 2.0 vertical foot-candles.
2. When a light source originating on a legally described parcel of land with one of the following zoning designations (CB, TC, LC, GC, BP, LI, AG, or HR) is adjoining a legally described parcel of land with one of those same zoning designations (CB, TC, LC, GC, BP, LI, AG, or HR), the illumination at adjoining property lines shall not exceed 1.0 horizontal foot-candles and 4.0 vertical foot-candles.
3. When a light source originating on a legally described parcel of land with the following zoning designations (UC) is adjoining a legally described parcel of land with that same

zoning designation (UC), the illumination at adjoining property lines shall not exceed 0.5 horizontal foot-candles and 1.0 vertical foot-candles.

4. Compliance Methods: Methods of complying with the requirements include, by way of illustration, but are not necessarily limited to, fixture shielding, directional control designed into the fixture, fixture location, fixture height, and fixture aim.

#### 1105 CONTROL OF GLARE - LUMINAIRE DESIGN.

Any luminaire rated at more than 1800 lumens, shall be a full cut-off fixture with the exception of those used for lighting recreational facilities.

#### 1106 BUILDINGS AND VERTICAL STRUCTURES.

Luminaires intended to illuminate buildings and other vertical structures, excluding signs (see Article 10: Signs) shall:

1. Be located within five (5) feet of the building or vertical structure that is being illuminated and be aimed in any direction;
2. Not allow illumination to extend beyond the intended building or vertical structure;
3. Not exceed an average maintained vertical foot candle measurement of ten (10); and
4. Not have a vertical foot candle measurement that exceeds thirty (30).

#### 1107 PARKING LOT AND WALKWAY LIGHTING.

Full-cutoff luminaires must be used in parking areas, along internal streets, and along pedestrian ways. To promote a unified development theme, historic luminaires (also referred to as period lighting) may be used as an alternate if they have built-in reflectors that effectively eliminate uplight. Except as provided in this chapter, all other luminaires must be directed downward and the light source must be shielded so that it is not visible from any adjacent property.

1. Maximum average lighting levels. Average lighting levels must not exceed the standards provided for in Table 1107-A. Standards for Foot-Candles (below). For those areas not specified, the Planning and Zoning Commission must work with the applicant to set an appropriate level on a case-by-case basis in keeping with the intent of this chapter.

Table 1107-A Standards for Horizontal Foot-Candles

Land Use	Minimum Average Foot Candles	Maximum Average Foot Candles
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Pedestrian areas/sidewalks	0.2	5.0
Building Entries	1.0	10.0
Parking areas w/high nighttime activity	2.0	4.0
Parking areas w/low nighttime activity	0.2	2.0

2. Maximum uniformity ratio. In all parking areas and along sidewalks and other pedestrian walkways, a uniformity ratio of 6:1 or lower (i.e. 4:1) must be maintained. The intention is to remove extreme light or dark areas.

3. Color or light –Kelvin– –Range–. In all parking areas and along sidewalks and other pedestrian walkways, lighting must measure between 3,500-4,500 Kelvin.

4. Lighting along walkways should be mounted no more than 12 feet above the walkway. Parking lot lighting in town center and urban corridor must be mounted no more than 15 feet above the surface of the parking lot.

#### 1108 LIGHTING OF EXTERIOR DISPLAY/SALES AREAS.

Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. This designation must be approved by the Zoning Administrator.

1. Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas in parking lot and walkway lighting #2.

2. Areas designated as exterior display/sales shall be illuminated so that the average horizontal illuminance at grade level is no more than thirty (30) foot-candles.

#### 1109 CANOPY LIGHTING.

Lighting associated with a canopy used for a vehicular shelter must meet the following standards:

1. Luminaires beneath a canopy must be either a full-cutoff luminaire or mounted so the luminaire or lens, whichever is lower, does not project below the bottom of the canopy surface.

2. The sides or top of the canopy must not be illuminated, except as permitted by the Mount Vernon Sign Ordinance.

3. Lighting installed beneath a canopy must be pointed downward and substantially confined to the ground surface directly beneath the perimeter of the canopy.

4. Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 foot-candle and no more than 5.5 foot candles. The uniformity ratio shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 foot candles.

5. Lighting beyond the perimeter of the canopy must be consistent with the lighting standards for parking areas.

#### 1110 STREET LIGHTING.

Street lighting owned, operated, maintained or leased by the City of Mount Vernon shall be exempt. The City Council may establish via resolution guidelines for public lighting.

#### 1111 RECREATIONAL FACILITIES.

Lighted recreational facilities shall satisfy the requirements set forth in the most current editions of the Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook. Appropriate lighting criteria shall be selected based on the Class of Play of the facility and participants as defined by the IESNA.

1. No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. except to conclude a specific activity, which is in progress under such illumination prior to 11:00 p.m.

2. Luminaires shall be installed to meet the criteria of a Cutoff Fixture.

3. Luminaires shall be aimed no greater than a distance two (2) mounting heights or less from the base of the pole (a maximum angle of 63 degrees up from nadir or a minimum of 27 degrees down from horizontal).

4. Light Trespass attributable to the recreational facility lighting system shall not exceed one-half (0.5) initial horizontal foot-candles and two (2.0) initial vertical Foot-candles on adjacent properties within a residential zoning district, except public ways.

5. Initial illumination levels shall not exceed the target levels specified by the IESNA by more than 30% to account for light loss factors such as lamp lumen depreciation and luminaire dirt depreciation.

#### 1112 SPECIAL LIGHT SOURCES.

1. Laser Source Light. The use of laser source light or any similar high intensity light is prohibited.

2. Towers. Lighting on towers is prohibited except as required by regulations of the Federal Aviation Administration.
3. Searchlights. The operation of searchlights for advertising is prohibited.

#### 1113 EXEMPTIONS.

1. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this chapter.
2. All hazard-warning luminaires required by Federal regulatory agencies are exempt from the requirements of this chapter.
3. A building or structure that has been designated for historic preservation by the City of Mount Vernon, the State of Iowa, or the Federal Government shall be exempt from the full cutoff fixture requirements.
4. Any federal, state or local laws that conflict with this chapter shall take precedence over the conflicting provisions of this chapter.

#### 1114 NONCONFORMING LUMINAIRES.

1. Nonconforming Luminaire. A luminaire which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

There shall be no change in use or lamp type, or any replacement (except for same type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this chapter. If more than fifty percent (50%) of the luminaries on a parcel of property are being replaced within a twelve (12) month period of time, such replaced luminaries must comply with the provisions of this chapter even if the replacements are of the same type and same output. Further, if the use of the property is discontinued for six consecutive months, or if there is a change in use of the property, the provisions of the chapter will apply.

2. Expansion and redevelopment. The provisions of this chapter apply to the entire building/structure, parking area, or use, under the following conditions:
  - A. When a building or structure is expanded in size by 25 percent or more;
  - B. When the area of a parking area is expanded by 25 percent or more;
  - C. When an outdoor use (e.g., outdoor storage, vehicle sales) is expanded by 25 percent or more; or
  - D. Any other activity subject to site plan or subdivision review.

All lighting fixtures in zoning districts, other than residential, that are capable of being aimed, must be aimed in a manner that complies with this chapter within one year of enactment of this chapter.

#### 1115 OUTDOOR LIGHTING PERMITS.

1. Submission Contents. The applicant for any permit or site plan required by any provision of the ordinances of the City of Mount Vernon involving non-residential outdoor lighting shall submit one outdoor lighting plan for operating hours, and one outdoor lighting plan for after-hours lighting (as part of the application for site plan or permit). Each outdoor lighting plan must provide evidence the proposed work or activity will comply with this chapter. The outdoor lighting plans shall be submitted to the Zoning Administrator for approval and issuance of an outdoor lighting permit. The outdoor lighting plans shall include:

- A. Plans indicating the location, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- B. A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description shall include manufacturer's catalog cuts and drawings, including sections when requested; and
- C. A point-by-point foot-candle array, photometric data, such as that furnished by manufacturers, showing the angle of the designed full cutoff, aiming angle and light emissions.

2. Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the Zoning Administrator to readily determine whether compliance with the requirements of this chapter will be satisfied. If such plans, descriptions and data do not enable the Zoning Administrator to make this determination, the applicant shall additionally submit certified reports of tests proving compliance. Such tests shall have been performed and certified by a recognized testing laboratory.

3. Luminaire Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after an outdoor lighting permit has been issued, a change request must be submitted to the Zoning Administrator for approval, together with adequate information to assure compliance with this chapter, which must be received prior to substitution.

#### 1116 FIELD VERIFICATION.

If access to private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property or at any other location on the property. All measurements shall be made at ground level. Horizontal measurements shall be taken with the meter held parallel to the ground pointing up. Vertical measurements shall be taken with the meter oriented towards the brightest light

bank. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent (5%). Light levels are specified, calculated and measured in foot candles (FC). All FC values are initial foot candles.

## 1200 ARTICLE TWELVE: NON-CONFORMING DEVELOPMENT REGULATIONS

### 1201 PURPOSE.

Article Twelve shall be known as 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 allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts.
5. To limit the continuation and provide for the gradual replacement of nonconforming uses.

### 1202 REGULATIONS ADDITIVE.

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

### 1203 NONCONFORMING LOTS AND LEGAL LOTS OF RECORD.

Nonconforming lots are lots or parcels of land that do not meet the minimum lot width, length or area requirements of this Ordinance for permitted uses in the zoning district in which the lot or parcel is located. Nonconforming lots or parcels shall not be built on, except for those nonconforming lots or parcels that are legal lots of record. A nonconforming lot or parcel is considered a legal lot of record if any of the following conditions are met:

1. Lots in Existence Prior to Zoning. Any lot, the contract or deed to which was recorded in the office of the County Recorder prior to the adoption of this chapter, the effective date of the first adoption of zoning by the City of Mount Vernon, and has not been changed since; or

2. Residual Parcels. Any residual parcel that was reduced from a lot on a single deed that was legally recorded in the office of the County Recorder prior to the adoption of this chapter or from any lot legally created under ordinances in effect prior to the adoption of this chapter, and was created by a taking or dedication for a public right-of-way or public purposes, or was reduced pursuant to a court order; or

3. Enlarged Parcels. Any parcel that was enlarged from a lot on a single deed that was legally recorded in the office of the County Recorder prior to the adoption of this chapter or from any lot legally created under ordinances in effect prior to the adoption of this chapter, voluntarily or pursuant to a court order or other legal requirement; or

4. Bisected Lots. Any lot that was legally recorded in the office of the County Recorder prior to the adoption of this chapter or from any lot legally created under ordinances in effect prior to the adoption of this chapter, and remains as a single lot but is rendered nonconforming by a taking or dedication for a public right-of-way or public purposes; or

5. Lots Legally Permitted Under Prior Ordinances. Any lot legally created under ordinances in effect prior to the adoption of this chapter.

#### 1204 NONCONFORMING STRUCTURES.

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Ordinance.

1. Continuation. A lawful nonconforming structure existing on the effective date of this Ordinance may be continued, repaired, maintained, or altered, subject to the provisions of this Section.

2. Additions or Enlargements to Nonconforming Structures. 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.

C. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.

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.

5. Conversion of a Conforming Building. A conforming building shall not be changed in any way that will result in a nonconforming development.

6. Applicability of Landscaping and Screening Regulations. A pre-existing structure, building, or development shall be exempt from Article 8, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of this Ordinance shall be subject to Article 8.

#### 1205 NONCONFORMING USES.

1. Continuation of Nonconforming Uses. Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

2. Enlargement of Nonconforming Uses. A building or structure housing a lawful nonconforming use may not be added to or enlarged.

3. Abandonment of Nonconforming Use. If any structure or property used as a lawful nonconforming use becomes vacant 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. 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.

6. 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 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

7. Nonconforming Uses and Conditional Use Permits. A lawful pre-existing use which would require a Conditional 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 Article 13.

## 1300 ARTICLE THIRTEEN: ADMINISTRATION AND PROCEDURES

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### 1301 PURPOSE.

The Administration and Procedures Provisions establish the methods for implementation of the Zoning Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending the Zoning Ordinance; and granting variances.

### 1302 SITE PLAN REVIEW PROCEDURE.

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Mount Vernon 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 review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property. This review supplements and does not replace any existing reviews or approvals required under this or other ordinances.

1. Administration. The Zoning Administrator, with the assistance of other City staff, shall review, evaluate, and act on all site plans submitted pursuant to this procedure and be responsible for timely submittal to and consideration of all site plans by the Planning and Zoning Commission and the City Council.
2. Uses Requiring Site Plan Review. All uses, except single-family residential, duplex residential, and all permitted agricultural uses, are subject to the Site Plan Review Procedure. No building permit will be issued for such uses unless the site plan is approved by the City Council.
3. Application Requirements. An application for a Site Plan Review shall be filed with the Zoning Administrator by the owner of a property or the owner's authorized agent. 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 nature and operating characteristics of the proposed use.
  - D. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
    - (a) The date, scale, north point, title, name of owner, and name of person preparing the site plan.
    - (b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.

(c) The location, size, and use of proposed and existing structures on the site.

(d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting, with enough detail to demonstrate conformance with City codes.

(e) Location of any major site feature, including drainage and contours at no greater than five foot intervals.

(f) Any other information that may be required for review by the Zoning Administrator.

4. Review and Evaluation. The Zoning Administrator shall review and make the following findings in a report to the Planning and Zoning Commission and the City Council on the site plan based on the criteria established in Table 1313-A and conformance with applicable regulations in this Zoning Ordinance:

A. The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 1313-A.

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 the Zoning Ordinance and other applicable City ordinances.

D. The Planning and Zoning Commission shall make its recommendation to the City Council to approve, approve with conditions or disapprove the site plan.

5. Modification of Site Plan. The Zoning Administrator, the Planning and Zoning Commission, or the 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 be limited to, additional landscaping or screening; installation of erosion control measures and control of storm runoff as required by the Code of Iowa; 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.

6. Term and Modification of Approval.

A. A Site Plan Approval shall become void one year after the date of approval, unless the applicant is issued a Building Permit.

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 1313-B and is either minor in its essence or an improvement to the approved site plan.

C. The Zoning Administrator may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such

revocation may be appealed to the City Council. The City Council shall consider the appeal at the first available meeting after the filing of the appeal.

7. Approval to Run With Land. An approval pursuant to this section shall run with the land until the expiration date of such approval.

#### AMENDMENT PROCEDURE.

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

##### 1. Initiation of Amendments.

A. Text amendments may be initiated in writing by a resident, property owner, the Planning and Zoning Commission or City Council.

B. Rezoning applications 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 City Administrator, or a designee for either office holder. 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 the Planning and Zoning Commission and/or the City Council.

##### 3. Amendment Process.

A. If the amendment was initiated by the City Council, resident or by a property owner (or authorized agent), the Planning and Zoning Commission shall consider the request and return its recommendation in writing to the Council within sixty days. Upon request of the Commission to the Council, the Commission shall have an additional 30 days to return its recommendation.

B. The Planning and Zoning Commission, following a minimum of ten days' notice and publication, shall hold a public hearing on each proposed text or rezoning and, following such public hearing, shall recommend action to the City Council.

C. The City Council, after publication and public hearing, shall act on the proposed amendment. A simple majority vote of those members either elected or appointed to the City Council is required for approval.

4. Required Notice and Publication. Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided by:

A. Notice by Posted Sign: A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing through the day of the hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

B. Notice by Publication: At least ten days before the date of hearing, the City Clerk shall have published in a newspaper having a general circulation in the City of Mount Vernon a Notice of the time, place and subject matter of such hearing. The party initiating the zoning request is responsible for the cost of publishing the notice.

C. Notice by Mailing: The party initiating the rezoning request shall mail notice of the time, place and subject matter of the hearing to those persons who own property within three hundred feet of the subject site at least ten days prior to the date of the hearing and, further, provide proof of mailing by certifying a list, including the names and addresses of all property owners, to the City Clerk prior to the hearing.

#### 1303 EXTENSION OF THE EXTRA-TERRITORIAL JURISDICTION.

Upon the automatic extension of the zoning jurisdiction upon annexation, the City Council with the recommendation of the Planning and Zoning Commission shall zone properties within the newly annexed areas concurrent with adoption of the annexation ordinance. The zoning shall consider the Comprehensive Development Plan of the City of Mount Vernon and the present use of the land.

#### 1304 CERTIFICATES OF ZONING COMPLIANCE.

1. Administration and Enforcement. The Zoning Administrator shall administer and enforce this ordinance. The City Council may direct other persons to assist him/her. If the Zoning Administrator, or his/her designee shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/ she shall order discontinuance of illegal use of land, buildings, or structures; or shall take any other action authorized by this ordinance or to ensure compliance with or to prevent violation of its provisions.

#### 2. Application for Certificates of Zoning Compliance.

A. All applications for certificates of zoning compliance shall include plans if applicable in duplicate drawn to an appropriate scale, such other information as lawfully may be

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required by the Zoning Administrator, and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

B. One copy of the application and plans for a certificate of zoning compliance shall be returned to the applicant by the Zoning Administrator, after he/she shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. One copy of the application and plans, similarly marked, shall be retained by the Zoning Administrator.

3. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy. Certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and punishable as provided by Section 1305-4.

#### 1305 APPLICATIONS AND APPROVALS.

##### 1. Applications for Certificates of Appropriateness.

A. No individual or corporation shall undertake a change in appearance of a structure or site, as so defined, within a designated historic district, nor shall the Building Official issue a regulated permit for a change in appearance of a structure or site, unless a certificate of appropriateness or a certificate of no material effect has been granted.

B. The Historic Preservation Commission may issue a Certificate of No Material Effect if the work contemplated in the application will have no effect on any significant architectural features of the structure or on the historic district.

C. Application for a Certificate of Appropriateness shall be made to the Building Official using the approved standardized application form available at City Hall. The application must include all items listed on the application form to questions as to assist the Historic Preservation Commission in their consideration of the application. Applications that do not contain all of the required items may be turned back to the applicant for more information prior to review of the application by the Historic Preservation Commission.

(a) If the change in appearance described in the application requires a regulated permit issued by the City, the application for certificate of appropriateness requires mandatory review by the Historic Preservation Commission and mandatory compliance by the applicant, as set forth herein.

(b) If the change in appearance described in the application for certificate of appropriateness does not require the issuance of a regulated permit by the City, the application for certificate of appropriateness requires mandatory review by the Historic Preservation Commission, but compliance with the decision of the Historic Preservation Commission by the applicant shall be voluntary.

D. Upon the filing of such application, the Building Official shall immediately notify the Historic Preservation Commission of the receipt of such application and shall transmit it together with accompanying plans and other information to the Commission, unless the application pertains solely to the interior of the structure.

E. All applications received before the closing date, to be established by the Historic Preservation Commission, shall be considered by the Historic Preservation Commission at its next scheduled meeting. The Historic Preservation Commission shall review the application, according to the duties and powers specified herein. In reviewing the application the Historic Preservation Commission may confer with the applicant or the applicant's authorized representative. In acting upon an application the Historic Preservation Commission shall consider whether the change in appearance to a structure or site proposed by the application conforms to standards set forth in the current edition of the Secretary of the Interior's "Standards for Rehabilitation" or the Commission's published "City of Mt. Vernon Design Booklet."

F. The Historic Preservation Commission shall approve, modify, or disapprove the application. The findings of the Commission on each application shall be contained in a written resolution setting forth the full reason for its decision and the vote of each member participating therein. Such resolution shall be placed on file for public inspection in the office of the City Clerk within five (5) business days after the meeting at which the application was acted upon. Thereafter, a copy of the resolution shall be sent to the applicant by ordinary mail. If the application is approved or approved with modifications acceptable to the applicant, a certificate of appropriateness will be issued, signed by the chairperson, and immediately transmitted along with the application to the Building Official. If the application is disapproved, it will be immediately transmitted, along with the written resolution of the Historic Preservation Commission's findings, to the Building Official.

G. Any party aggrieved by any decision of the Historic Preservation Commission may appeal the action to the City Council. Such an appeal must be in writing and must be filed with the City Administrator no later than ten (10) business days after the filing of the aforementioned decision. The City Council shall, within a reasonable amount of time, give public notice thereof as well as notice to the applicant and to the appellant, hear the appeal and decide the appeal. In deciding such appeals, the City Council shall consider whether the Commission has exercised its powers and followed the guidelines established by law and this article, and whether the Commission's action was patently arbitrary or capricious. In exercising the above-mentioned powers the City Council may, in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Historic Preservation Commission from whom the appeal is taken.

H. If not satisfied with the decision of the City Council, any aggrieved party may appeal within sixty (60) days of the City Council's decision to the Iowa District Court.

I. Certificates of Appropriateness and Certificates of No Material Effect issued on the basis of approved applications authorize only changes in appearance set forth in such approved applications and no other changes in appearance. It shall be the duty of the Building Official or his/her designee to inspect from time to time any work performed pursuant to such a certificate to ensure compliance with the requirements of such certificate. If it is found that such work is not being carried out in accordance with the certificate, the Building Official shall issue a stop-work order.

2. Remedy of Dangerous Conditions.

A. Except for emergencies as determined by the Building Official pursuant to the ordinances of the City, City enforcement agencies and departments shall give the Historic Preservation Commission at least thirty (30) days' notice of any proposed order which may affect the exterior features of any structure for remedying conditions determined to be dangerous to life, health or property.

B. The Historic Preservation Commission shall have the power to require that changes or alterations not adversely affect the exterior features of a structure in cases where the danger to life, health or property may be abated without detracting from the exterior features of the structure. In such cases, it shall be the responsibility of the Historic Preservation Commission and the City agency or department to cooperate with the property owner in an attempt to achieve a preservation solution whereby the dangerous conditions will be corrected with minimal adverse impact on exterior features. Such plan shall be approved by the Historic Preservation Commission and shall be signed by the chair of the Historic Preservation Commission, the property owner, and the head of the City agency or department.

C. If a preservation solution acceptable to the Historic Preservation Commission, the City agency or department, and the property owner cannot be reached within thirty (30) days or a period of time acceptable to the City agency or department, the agency or department shall proceed to issue and enforce its proposed order.

3. Compatibility with Existing Zoning Regulations. If a structure which has lost sixty (60) percent or more of its assessed value due to fire or other natural disasters is to be reconstructed as near as possible to the original exterior design, it may be placed upon its original foundation or the site of the original foundation.

4. Enforcement, Violations and Penalties. It shall be the duty of the Building Official to enforce these regulations and to bring to the attention of the Historic Preservation Commission any violations or lack of compliance herewith. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall be enforced in accordance with Chapter 4, Mount Vernon Code of Ordinances.

1306 SCHEDULE OF FEES, CHARGES AND EXPENSES.



1. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.
2. The schedule of fees shall be posted in the office of the City Administrator, and may be altered or amended only by the City Council.
3. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

#### 1307 BOARD OF ADJUSTMENT.

A Board of Adjustment is hereby established. The Board shall consist of five regular members. Each member shall be appointed by the Mayor subject to Council approval for a five-year term and is removable for cause by the Mayor subject to Council approval upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board of Adjustment shall adopt rules and regulations as authorized or required by this ordinance and the Code of Iowa. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. Such chairperson, or, in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

#### 1308 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall have only the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Zoning Administrator, or his/her designee in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures.
2. Conditional Use Permits. To hear and decide the approval of applications for Conditional Use permits, as provided by this Ordinance. Procedures for Conditional Use Permits are established in Section 1309.
3. Interpretation of Zoning Map. To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
4. Variances to Relieve Hardships Relating to Property. To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment

of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

A. Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that all of the following are met:

(a) Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

(b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

(e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.

(f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.

B. Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 1308-4-A-(a-f) have been met by the applicant for a variance.

C. Conditions for Grant of Variance:

(a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Chapter 4, Mount Vernon Code of Ordinances.

(b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

(c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

5. Board has Powers of Zoning Administrator on Appeals: Reversing Decisions of Zoning Administrator. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

6. Procedure for Appeals. Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.

A. The Board shall provide a minimum of ten day's notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the City of Mount Vernon; and by written notice to the appealing party.

B. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of three out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.

#### 1309 CONDITIONAL USE PERMIT PROCEDURE.

1. Purpose. The Conditional Use Permit Procedure provides Board of Adjustment approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

2. Administration. The Board of Adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

3. Application Requirements. An application for a Conditional Use Permit may be filed with the Zoning Administrator by the owner(s) of a property or the owners' authorized agent. 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 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.

4. Approval Process. The Board of Adjustment, after publication and public hearing, shall act on the Conditional Use Permit.

5. Criteria for Review. The Board of Adjustment shall review and act upon the request based on the criteria established in Table 1313-A and conformance with applicable regulations in this Zoning Ordinance.

6. Scope of Board of Adjustment's Approval. The Board of Adjustment may, at its discretion, apply a Conditional Use Permit to a specific owner or applicant. The Board of Adjustment may establish special site development or operational regulations as a condition for approval of a Conditional Use Permit.

7. Home Occupations. The Board of Adjustment shall not grant a Conditional Use Permit for any home occupation/home-based business which is otherwise prohibited under Section 610 of this Ordinance.

8. Lapse and Revocation of Permit.

A. A Conditional Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period, or sooner if so conditioned by the Board of Adjustment.

B. The Board of Adjustment may revoke a Conditional Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

9. Previously Approved Permits. Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Conditional Use Permit, subject to requirements imposed at the time of its approval.

#### 1310 BOARD OF ADJUSTMENT: REVIEW BY CITY COUNCIL.

The City Council may provide for review of variances granted by the Board of Adjustment before their effective date. The Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand.

#### 1311 SEVERABILITY CLAUSE.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1312 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, and investigate and take action thereon within two weeks as provided by this Ordinance.

1313 PENALTIES FOR VIOLATION.

Violations of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with the granting of conditional uses or variances) shall be enforced in accordance with Chapter 4, Mount Vernon Code of Ordinances.

TABLE 1313-A: Criteria For Site Plan Review And Conditional Use Permits

CRITERION

APPLICATIONS TO

Land Use Compatibility

Site Plan Review

Conditional Use Permit

CRITERION

APPLICATIONS TO

Land Use Compatibility

Site Plan Review

Conditional Use Permit

Development Density

Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.

X

#### Height and Scale

##### Height and Bulk

Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.

X

X

##### Setbacks

Development should respect pre-existing setbacks in surrounding area. Variation should be justified by site or operating characteristics..

X

X

##### Building Coverage

Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities..

X

X

#### Site Development

##### Frontage

Project frontage along a street should be similar to lot width..

X

X

##### Parking and Internal Circulation

Parking should serve all structures with minimal conflicts between pedestrians and vehicles.

All structures must be accessible to public safety vehicles.

Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.

X

X

X

X

X

X

#### Landscaping

Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.

X

X

#### Building Design

Architectural design and building materials should be compatible with surrounding areas or highly visible locations.

X

#### Operating Characteristics

##### Traffic Capacity

Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations

X

X

##### External Traffic Effects

Project design should direct non-residential traffic away from residential areas

X

X

##### Operating hours

Projects with long operating hours must minimize effects on surrounding residential areas

X

X

TABLE 1313-B: Criteria For Site Plan Review And Special Use Permits

CRITERION

APPLICATIONS TO

Operating Characteristics

Site Plan Review

Conditional Use Permit

CRITERION

APPLICATIONS TO

Operating Characteristics

Site Plan Review

Conditional Use Permit

Outside Storage

Outside storage areas must be screened from surrounding streets and less intensive land uses.

X

X

Public Facilities

Sanitary Waste Disposal

Developments within 100 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare. Sanitary sewer must have adequate capacity to serve development.

X

X

X

X

Storm Water Management



Development should handle storm water adequately to prevent overloading of public storm water management system. Development should not inhibit development of other properties. Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.

X

X

X

X

X

X

Utilities

Project must be served by utilities.

Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.

X

X

X

X

Comprehensive Plan

Projects should be consistent with the City of Mount Vernon's Comprehensive Plan.

X

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 201 of this Zoning Ordinance 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

3-4-2019A  
March 4, 2019  
9-3-2019A  
October 7, 2019  
9-16-2019A  
October 21, 2019  
3-15-2021A  
April 19, 2021  
7-6-2022A  
August 1, 2022  
9-19-2022A  
October 17, 2022  
9-19-2022B  
October 17, 2022  
9-19-2022C  
October 17, 2022  
9-19-2022D  
October 17, 2022  
9-19-2022E  
October 17, 2022

**Date: September 18, 2024**

## **Agenda Items #6: Ordinance Amendments – Smoke Shops**

**Prepared by:** Leigh Bradbury, City Planner  
**Staff recommendation:** Approval  
**Attachment:** Ordinance Amendments (2)

### **Summary**

Two amendments are presented for consideration at this time. The first is to CH165 Zoning Regulations, defining Smoke Shops and establishing them as a Permitted Use within Limited Industrial districts. The second amendment, to CH46 Minors, would place responsibility on Smoke Shop proprietors to prohibit persons under the age of twenty-one (21) from entering such establishments.

### **Background**

Iowa State Code 453A.2 states that it is illegal for persons under twenty-one (21) years of age to sell, give, purchase or otherwise attempt to purchase or supply, smoke, use, or possess any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

During March of 2024, local representatives from the Wellness Coalition of Rural Linn County, who work in the Mount Vernon and Lisbon Community School Districts, expressed concern regarding the sharp increase in the availability of these products and presence of new smoke and consumption use businesses in uptown Mount Vernon, noting the close proximity to youth-frequented facilities including parks, schools, churches and the large population of young adults under the age of twenty-one (21) on Cornell College Campus.

On April 1, 2024, Mount Vernon's City Council passed a resolution placing a moratorium on smoke, tobacco, nicotine and vape shops including consumption use businesses with ten percent (10%) or more of business square footage dedicated to the consumption or retail sales of CBC, hemp, THC/cannabis products, psychoactive products, synthetic marijuana, smoke, tobacco & vapor products for six (6) months to protect the health and welfare of its citizens while allowing time to examine the zoning ordinance and how best to address this concern.

The USDA published results from the Annual National Youth Tobacco Survey on September 5, 2024, in which 1.63 million middle or high school students reported current use of e-cigarettes, with 1 in 4 doing so daily. An additional 480,000 youth reported using nicotine pouches. As a highly-addictive substance, nicotine use in youth has been found to lead to continued adult consumption.

The potential negative health effects of vaping, nicotine and e-cigarettes are a concern at the national level. Research by the US Surgeon General, US Department of Health and Human Services, US Food and Drug Administration, the National Academies of Sciences, Engineering

and Medicine; and professional journals on neurobiology, psychology, pediatrics, adolescent health and preventative medicine reflect these concerns, as cited under *Health Effects of Vaping*, on the U.S. Centers for Disease Control and Prevention website. Here it states that “tobacco products, including e-cigarettes, should not be used by youth or young adults.” (*Health Effects of Vaping*. [www.cdc.gov/tobacco/e-cigarettes/health-effectc.html](http://www.cdc.gov/tobacco/e-cigarettes/health-effectc.html). May 15, 2024.)

### **Staff Recommendation**

Mount Vernon’s City Administrator, Chief of Police and City Planner, along with representatives of the Wellness Coalition of Linn County and Linn County Public Health Department have discussed potential zoning regulations with consideration to their potential impact on new business and the community, with the locality of youth-frequented areas in mind. It is their joint recommendation that:

- 1) ‘Smoke Shop’ be defined as a specific use within the zoning ordinance, that
- 2) Smoke Shop be designated as a Conditional Use in Light Industrial districts, and that
- 3) Smoke Shops be located with a minimum proximity of one thousand feet (1000’) from youth-frequented locations, to include parks and recreational facilities, libraries, schools and colleges.
- 4) Proprietors be required to prohibit persons under age twenty-one (21) from entering businesses established as a Smoke Shop.

The Conditional Use procedure requires Board of Adjustment approval for uses with operating characteristics that could adversely affect surrounding properties. The Board may establish site development or operational regulations on a case-by-case basis, as a condition for approval. Failure to comply with these conditions may result in revocation of the permit.

### **Required Action**

The commission votes to make recommendation to City Council on the proposed CH165 Zoning Regulations amendment. That recommendation may be: approval, approval with modifications, or disapproval.

The commission may also choose to vote and show support to City Council for the amendment to Chapter 46 Minors, due to its relative nature. This is not, however, required of the commission as it lies outside of their prescribed duties.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING  
CHAPTER 165 ZONING REGULATIONS, ARTICLE 302 DEFINITIONS AND  
ARTICLE 413 LI – LIMITED INDUSTRIAL DISTRICT  
OF THE MOUNT VERNON CODE OF ORDINANCES**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA:

**SECTION 1. AMENDMENT. Chapter 165, Article 302 Definitions is hereby amended by adding the following language:**

**Smoke Shop:** Any premises where sales of tobacco, cigarettes or alternative nicotine products, as defined by Iowa Code chapter 453A; CBD, marijuana, synthetic cannabinoid, Kratom or other psychoactive products; vapor products; and/or related paraphernalia, accessories, or delivery systems account for more than ten percent (10%) of gross sales or ten percent (10%) of the dedicated product display area.

**SECTION 2. AMENDMENT. Chapter 165, Article 413 LI – Limited Industrial District is hereby amended by adding the following language to Subsection 413.3 Conditional Uses:**

Smoke Shop

**SECTION 2. AMENDMENT. Chapter 165, Article 413 LI – Limited Industrial District is hereby amended by adding the following language:**

**Subsection 8. Smoke Shops.**

1. Proximity to Youth Centers.  
No Smoke Shop shall be established, operated, or maintained within one thousand (1,000) feet of any public or private school, college, daycare; church, synagogue, mosque, temple, or any other place of religious worship; public parks, recreational facility, trails, museums or libraries.
2. See Chapter 46.03.

**SECTION 3. SAVINGS CLAUSE.** If any section, provision, sentence, clause, phrase 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 provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Approved and adopted this \_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Thomas M. Wieseler - Mayor

\_\_\_\_\_  
Marsha Dewell – City Clerk

I certify that the foregoing was published as  
Ordinance # \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Marsha Dewell, City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 46 MINORS  
OF THE MOUNT VERNON CODE OF ORDINANCES**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, IOWA:

**SECTION 1. AMENDMENT.** Chapter 46 Minors is hereby amended by adding the following language:

**46.03 Smoke Shops.**

1. Persons Under Age 21.

It is unlawful for any person under twenty-one (21) years of age to enter or be on the premises of a Smoke Shop, as defined in Mount Vernon Code of Ordinances Chapter 165.302, at any time.

2. Business Owner & Attendant Responsibilities.

An employee, manager, or owner shall be stationed at each public entrance at all times during regular business hours, and shall prohibit any person under the age of twenty-one (21) from entering the establishment.

3. Valid ID Required.

It shall be presumed that an attendant knew a person was under the age of twenty-one (21) unless the attendant asked for and was presented with a valid drivers' license, issued by a state authority, presenting reasonable likeness to the presenter, and a birthdate indicating a current age of twenty-one (21) years or older.

**SECTION 2. SAVINGS CLAUSE.** If any section, provision, sentence, clause, phrase 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 provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Approved and adopted this \_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Thomas M. Wieseler - Mayor

\_\_\_\_\_  
Marsha Dewell – City Clerk

I certify that the foregoing was published as  
Ordinance # \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Marsha Dewell, City Clerk