

**SITE PLAN REQUIREMENTS
CITY OF WAUKEE, IOWA**

AN ORDINANCE TO AMEND CHAPTER 304 IN ITS ENTIRETY AND INSERTING IN LIEU THEREOF THE FOLLOWING:

ESTABLISHING PROCEDURES FOR THE DEVELOPMENT, SUBMISSION AND APPROVAL OF A SITE PLAN; FOR THE SUBMISSION OF SUCH SITE PLAN TO THE PLANNING AND ZONING COMMISSION FOR ITS RECOMMENDATION AND CITY COUNCIL APPROVAL; AND FURTHER ESTABLISHING PENALTIES FOR ANY VIOLATION OF SAID ORDINANCE.

WHEREAS, the City Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City of Waukee to enact such an ordinance, and

WHEREAS, the Planning and Zoning Commission has made a preliminary report and submitted its final report to the City Council, and

WHEREAS, the City Council has given due public notice of hearings regarding site plan requirements, procedures and penalties, and has held such public hearing;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WAUKEE, IOWA:

(Passed and Approved September 14, 1998; Ordinance No.98-2252)

CHAPTER 304

An ordinance providing rules, regulations and standards to guide development and subdivision and approval of site plans in Waukee, Iowa.

§304.1 This ordinance shall be known, cited and referred to as “Site Plan Requirements of the City of Waukee, Iowa.”

SITE PLAN REQUIREMENTS

§304.2 **Purpose and Application.** It is the intent and purpose of this ordinance to establish a procedure which will enable the City to review certain proposed improvements to property within specified zoning districts of the City to insure compliance with all applicable zoning, subdivision and building regulations. Site plans shall only be required whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of and within any district of the Waukee Zoning Ordinance, and for any use, except one and two family dwellings.

§304.3 **Design Standards.** The standards of design provided herein are necessary to insure the orderly and harmonious development of property in such manner as will safeguard property values and the public's health, safety and general welfare.

- A. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.
- B. The proposed improvements shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property, and to this end shall minimize the adverse effects on such adjoining property from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For the purpose of this section, the term "use and enjoyment of adjoining property" shall mean the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" shall mean those uses permitted under the zoning districts in which such adjoining property is located.
- C. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent or surrounding public streets.
- D. To such end as may be necessary and proper to accomplish the standards in paragraphs A, B, and C above, the proposed development shall provide fences, walls, screening, landscaping, erosion control or other improvements.
- E. The proposed development shall conform to all applicable provisions of the Code of Iowa, as amended, and all applicable provisions of the Waukee Municipal Code, as amended.

§304.4 **Required Information.** All site plans required under §304.2 of this ordinance, unless waived by the City Council, shall include as a minimum the following information:

- A. Date of preparation, north point and scale.
- B. Legal description and address of the property to be developed.
- C. Name and address of the record property owner, the applicant, and the person or firm preparing the site plan.
- D. The existing and proposed zoning.
- E. The existing topography with a maximum of two (2) foot contour intervals. Where existing ground is on a slope of less than two percent (2%), either one (1) foot contours or spot elevations where necessary but not more than fifty (50) feet apart in both directions, shall be indicated on site plan.
- F. Existing and proposed utility lines and easements in accordance with City of Waukee Standard Specifications and Land Subdivision Regulations.
- G. Total number and type of dwelling units proposed; proposed uses for all buildings; total floor area of each building; estimated number of employees for each proposed use where applicable; and any other information which may be necessary to determine the number of off-street parking spaces and loading spaces required by the zoning ordinance.
- H. Location, shape, and all exterior elevation views of all proposed buildings, for the purpose of understanding the structures, the location of windows, doors, overhangs, projection height, etc. and the grade relationship to floor elevation, and the number of stories of each existing building to be retained and of each proposed building.
- I. All required yard setbacks.
- J. Location, grade and dimensions of all existing and proposed paved surfaces and all abutting streets.
- K. Complete traffic circulation and parking plan, showing the location and dimensions of all existing and proposed parking stalls, loading areas, entrance and exit drives, sidewalks, dividers, planters, and other similar permanent improvements.

- L. Location and type of existing or proposed signs. Scaled drawings of all signs with exterior dimensions and mounting height. Total area of each sign. Provide samples of letters and logos and the full message to appear on the sign. Description of materials and colors of background and letters. The means and magnitude of illumination.

Exemption: On buildings being constructed for future lease to multiple tenants, the developer will propose, and have approved, a signage theme for the entire property, and the specific signage for individual tenants will be reviewed and approved before a Certificate of Occupancy is issued to that particular tenant.

- M. Lighting plan: Provide a site lighting plan, indicating location, type, fixture height, power rating and shielding method of all existing and proposed lighting. Show elevation drawing or manufacturer's photo of each fixture, including its material and color. For all Zoning Districts except those for which a site plan is not required the plan shall also provide the following information in detail:

- (1) The type of exterior lighting fixtures proposed, including description of the lamps, supports, reflectors, and other devices that will compose the lighting fixtures. The plan shall depict the manufacturer's catalogue cuts and drawings;
- (2) A photometric plan for the site detailing the horizontal illumination of the site and the vertical light trespass along the perimeter of the site. The plan should show a point-by-point foot-candle reading for the entire site at a minimum spacing of 10' between each point, and including 2' past the property line. The vertical photometric points shall only be required along the property line with a maximum spacing of 10'.

(October 3, 2005 – Ordinance 2536)

- N. Photographs of the existing and adjoining sites.
- O. Locations of dumpsters and outside work areas.
- P. Note all finish materials on drawing and furnish color samples.
- Q. Location of all outside mechanical equipment, roof equipment, electrical equipment, and solar panels, including the means of screening.
- R. Location of existing trees six (6) inches or larger in diameter, landslide areas, springs and streams and other bodies of water, and any area subject to flooding by a one hundred (100) year storm on site and downstream off site.
- S. Location, amount and type of any proposed landscaping. Location of landslide areas, plantings, fences, walls, or other screening as required by the zoning regulations and the design standards set forth in §304.3 of this ordinance.

- T. A vicinity map at a scale of 1"=500' or larger, showing the general location of the property, and the adjoining land uses and zoning.
- U. Soil tests and similar information, if deemed necessary by the City Engineer, to determine the feasibility of the proposed development in relation to the design standards set forth in §304.3 of this ordinance.
- V. Where possible ownership or boundary problems exist, as determined by the Zoning Administrator, a property survey by a licensed land surveyor may be required.
- W. Additional Information, drawings, or other materials necessary to describe a proposed project may be requested by the Planning and Zoning Commission or staff. The applicant may include additional information or materials such as sketches, videos, models, or photos, if they help explain the proposal.

§304.5 **Open Space, Landscaping, Parking and Architectural Requirements.** The requirements set forth in this section for open spaces, landscaping, parking and architectural standards shall apply to any development or redevelopment except one and two family dwellings.

- A. **Open Space Required:** On each lot, except for one and two family dwellings, there shall be provided open space equal to at least the minimum required in the zoning ordinance for each district. Said open space shall be unencumbered with any structure, or off-street parking or roadways and drives, and shall be landscaped and maintained with grass, trees and shrubbery. When the entire lot is not developed, the open space requirement shall be based in proportion to the area of the improved portion of the lot.
 - 1. Each principal structure of an apartment or office complex on same site shall be separated from any other principal structure in the complex by an open space of not less than sixteen (16) feet.
- B. **Landscaping Required:** Any development shall provide the following minimum number and size of landscape plantings based on the minimum required open space for the development. The following is the minimum requirement of trees and shrubs, by number and size, and type of ground cover. Street trees planted in public street right-of-way subject to approval by the City shall not be counted toward fulfillment of the minimum site requirements set forth below. Plant species to be used for landscaping shall be acceptable to the City that are not considered a nuisance or undesirable species, such as trees with thorns, cottonwood or cotton-bearing poplars, elm trees prone to Dutch Elm Disease, box elder, and silver maple. Existing trees and shrubs to be retained on site may be counted toward fulfillment of the landscaping requirements. Specific types of trees may be requested by the City, in order to create a theme, or more uniform appearance.

1. Minimum requirements at the time of planting - Two (2) trees minimum or one (1) tree of the following size per 1,500 square feet of open space, whichever is greater:

40 Percent	2" or greater caliper diameter
Balance	1" – 2" caliper diameter

(Evergreen trees shall not be less than six (6) feet in height).

Residential One and Two Family Lots 2 trees minimum (1" caliper or greater)

(June 6, 2002 – Ordinance 2377)
(October 6, 2003 – Ordinance 2434)

2. Minimum requirements at the time of planting - 6 shrubs, or 1 shrub per 1,000 square feet of open space, whichever is greater.
3. To reduce erosion, all disturbed open space areas shall have ground cover of grass or native vegetation that is installed as sod, or seeded, fertilized and mulched.
4. All development within the arterial corridor overlay, as described by Section 304.5(M)6, shall adhere to the following:

Minimum requirements at time of planting shall be:

Two (2) trees minimum or two (2) trees per 1,500 square feet of open space, whichever is greater. Tree plantings shall follow the size schedule set forth above.

Six (6) shrubs or Two (2) shrubs per 1,000 square feet of open space, whichever is greater.

(October 6, 2003 – Ordinance 2434)

C. **Buffer Required:** The following conditions shall require a buffer which shall be a landscaped area, wall, or other structure intended to separate and obstruct the view between two adjacent zoning districts, land uses or properties:

1. Any R-3, R-4, R-5 and R-6 District, all C Districts, and all M Districts which abut any AR, R-1 or R-2 Districts shall require a buffer as described in this section.
2. All M Districts which abut any R-3, R-4, R-5, R-6, and all C Districts shall provide a buffer as required by this section; however, if the use proposed within the M District is a use permitted in the adjoining district, the requirement of a buffer may be waived by the City Council after a recommendation from the Planning and Zoning Commission.

3. Any lot for a single family or two family or row dwelling in any Zoning District having both its front and rear lot lines abutting a public thoroughfare (a double frontage lot) shall be buffered with a landscape buffer adjoining the thoroughfare from which no access is planned or permitted.
4. Any storage area, garbage storage, junk storage or loading docks, and loading areas, in any District shall be screened from public street view by a buffer.

D. **Buffers.** Buffers required under the provisions of this section or elsewhere in the zoning ordinance shall be accomplished by any one or approved combination of the following methods:

1. **Buffer Wall:** A buffer wall shall not be less than six (6) feet in height; constructed of a permanent low maintenance material such as concrete block, cinder block, brick, concrete, precast concrete, tile block, etc.; the permanent low-maintenance wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality; weather resistant wood may be used as a substitute material if designed with adequate structural integrity and permanency and approved by the Planning and Zoning Commission and City Council.
2. **Landscape Buffer:** A landscape buffer shall not be less than twenty-five (25) feet in width, designed and landscaped with earth berm and predominant plantings of evergreen type trees, shrubs and plants so as to assure year around effectiveness; height of berm and density and height of plantings shall be adequate to serve as a solid and impenetrable screen. A vinyl coated chain link fence may exist for security purposes, but is not considered a part of the landscape screening to satisfy the intent of this requirement.
3. Contiguous to a Conservation and Open (COS) District, or district where adjoining buffer width is required, use of fence or wall, and landscaping required will be determined on a case-by-case basis upon review of the site plan taking into consideration the proposed use of the COS District for open space, trail or other use, unless otherwise specified in the zoning ordinance.

E. **Burden of Provision of Buffer.** The burden of provision and selection of the buffer shall be as follows:

1. Where two different zoning districts, requiring a buffer between them, are developed, the above requirement is not retroactive and a buffer is not required. If a buffer is desired, it shall be provided by mutual agreement between property owners. However, in the event that any or all of the improved property is abandoned, destroyed or demolished, for the purpose of renewal or redevelopment, that portion of such property being renewed or

redeveloped, shall be considered vacant and subject to the requirements herein.

2. Where one of two different Zoning Districts requiring a buffer between them is partly developed, the developer of the vacant land shall assume the burden, unless otherwise specified herein.
3. Where both Zoning Districts, requiring a buffer between them, are vacant or undeveloped, the burden shall be assumed by the developer of the land that is improved or developed first, except for agricultural uses and unless otherwise specified herein.

F. **Waiver of Buffer Requirements.** Where the line between two districts, requiring a buffer, follows a street, right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived by the City Council, provided such waiver does not permit the exposure of undesirable characteristics of land use to public view.

G. **Surfacing Requirements.** All off-street parking and loading areas and access roadways shall have a durable and dustless surface paved with asphaltic or portland cement concrete pavement in accordance with the specifications as herein set forth. Off-street parking of automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats, construction equipment, and any other mobile vehicles equipped for street and highway travel shall be on an asphaltic or portland cement concrete paved off-street parking area as required herein and not parked or stored within the landscaped open space area of the front yard between the building and public street right-of-way.

All off-street parking areas and associated driveways, access roadways and frontage roads, except driveways for single family residences, shall be constructed with permanent, integrally attached 6" high curbing or curbing of alternate height acceptable to the City (prefabricated portable curb stops shall not be considered an acceptable alternate), and shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The curbing requirements may be waived if it is determined that surface drainage can be adequately handled by other means.

The minimum thickness of pavement of the parking area shall be as follows:

1. Portland Cement Concrete shall have a minimum thickness of five (5) inches and the subgrade shall have a minimum subgrade modules (k) of one hundred fifty (150). Additional thickness of Portland Cement Concrete may be utilized to create an equivalent subgrade modules if the existing subgrade modules is less than one hundred fifty (150).

2. Asphaltic Cement Concrete shall have a minimum thickness of five and one-half (5-1/2) inches and the subgrade shall have a minimum CBR of five (5). Additional thickness of Asphaltic Cement Concrete may be utilized to create an equivalent CBR if the existing CBR is less than five (5). Pavement shall be designed in accordance with the Asphalt Institute's "Thickness Design Manual" (MS-1).
3. Material utilized in the subgrade shall be well drained and not susceptible to frost boils. The part of the parking utilized for driveways and access roadways, shall be specifically designed to accommodate the type and load bearing capacity of traffic anticipated.
4. Driveways for individual single family detached or attached townhouse style residences on private property shall be portland concrete or asphaltic cement concrete with minimum thickness of five (5) inches and five and one-half (52) inches, respectively, with a sufficiently compacted and well-drained subgrade base and not greater than eighteen (18) feet in width.

H. **Landscaping, Screening and Open Space Requirements.** It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics which are inherent to their use. Therefore, wherever practical and except for single and two family detached and townhouse style residential parking in driveways, parking areas shall be effectively screened from general public view by incorporating the natural landscape and topography with the introduction of permanent earthberming and landscape plantings.

1. All parking areas shall include landscaped areas, screens, islands etc., equal to not less than ten percent (10%) of the interior parking area. Such landscaped area shall be in addition to the open space requirements. Landscaped islands within the parking area shall have suitable, non-erodable groundcover (eg. grass, shrubs, etc.). Landscape islands shall be at least eight feet (8') in width from the back of curb to the back of curb and landscape planters a minimum of six feet (6') in diameter. No parking space shall be greater than eighty feet (80') from a landscaped open space with a minimum area of two hundred fifty (250) square feet. Parking spaces shall be separated from any adjoining roadway, except that roadway or parking bay aisle providing direct access to the parking space, by a landscaped island or elevated separation (e.g. sidewalk) of a minimum nine feet (8') width.
2. Earthberming shall be a minimum of three (3) feet above the top of the curb of the adjoining parking lot, if applicable, or public thoroughfare, and shall be designed to not negatively affect the drainage of the surrounding area and to be aesthetically pleasing to the general public. Higher berms may be required if it is determined by the City that this standard is inadequate to provide effective

screening and buffering. Plantings and shrubbery may be substituted for a portion of the height of the earth berm if it can be shown that the shrubbery provides adequate screening and improves the appearance of the development.

3. Any berming or planting designed to comply with this ordinance must not create a traffic hazard by interfering with line of sight at intersections or driveways. (301.8L)
4. Where berming will impede the owner or developer of a property from operating effectively (e.g. blocking the view of vehicles on a car sales lot) the developer may request relief from this ordinance provided they substitute other design amenities/open space options that meet or exceed the aesthetic objective of this ordinance according to the Planning and Zoning Commission and City Council.

(Earthberming added – February 25, 2002 – Ordinance #2365)

- I. **Off-Street Parking Access to Public Streets and Internal Traffic Circulation.** Off-street parking or loading facilities shall be designed so as to permit entrance and exit by forward movement of the vehicle for all uses, except single-family detached or row dwellings which shall be permitted backward movement from a driveway. The backing or backward movement of vehicles from a driveway, off-street parking or loading area onto a major thoroughfare, including all thoroughfares designated as arterial streets or major collector streets on the Major Streets Plan shall be prohibited for all uses. Driveway approach returns shall not extend beyond the side lot line as extended, unless such driveway is of joint usage by the adjoining lots, and driveway approaches at roadway not greater than twenty-four (24) feet for single family detached and townhouse residential dwellings, and thirty-seven (37) feet for multi-family, non-residential uses and multiple building complexes.

The number of ingress/egress access points to public streets from off-street parking areas shall be in accordance with the Des Moines Metropolitan Design Standards Manual as approved by the City and located to limit vehicular conflicts, provide acceptable location of driveway accesses to public streets, preserve proper traffic safety and, where possible, not impair movement of vehicular traffic on public streets. The permitted number of ingress/egress driveway approaches to public streets for an off-street parking lot shall be dependent upon the projected future average daily traffic (ADT) for the public street and, as possible, public street accesses shall be located in alignment with driveway approaches gaining access to the same public street from property on the opposite side of the street. The design of off-street parking and loading facilities shall provide traffic circulation for the internal forward movement of traffic within the parking lot, so designed, as not to impair vehicular movement on public streets, or backing of vehicles from an off-street parking or loading area to a public street.

- J. **Handicap Accessible Parking Requirements.** Provision of handicapped parking spaces within off-street parking areas shall be in accordance with applicable federal, state and local regulations, properly identified with signage and provided with accessible ramps and walks in accordance with federal and state regulations, and comply with the following parking space minimum requirements:

<u>Required Minimum Number Total Parking in Lot</u>	<u>of Handicap Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 and over 1000

Access space or aisle adjacent to handicap accessible parking space shall be a minimum five (5) feet wide. One in every eight handicap accessible spaces, but not less than one, shall be served by an access space or aisle eight (8) feet wide minimum and shall be designated “van accessible.”

- K. **Traffic Analysis Requirements.** Any project which contains 100 dwelling units or 1,000 average daily trips as listed for uses in the Trip Generation Handbook; Institute of Transportation Engineers, current edition, shall submit a traffic analysis which provides necessary information to determine the affect that the project will have upon the surrounding traffic. At a minimum, the traffic analysis shall contain project trip generation, directional distribution of project trips, traffic assignment, and capacity analysis, including identification of congestion and turning-movement conflicts.
- L. **Waiver Of Requirements.** The City Council reserves the right to waive or modify to a lesser requirement any provision or requirement of off-street parking and loading areas contained in this ordinance, provided a report on such change is received from the Planning and Zoning Commission, and further provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those uses where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public.

M. **Architectural Standards.** As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses except one and two family dwellings, architectural plans for buildings shall be submitted for review and approval by the City Council after recommendation from the Planning and Zoning Commission. Documentation to be submitted shall include color building elevations showing the building's design on all sides and a description of structural and exterior materials to be used. A material board shall also be submitted prior to consideration by the Planning and Zoning Commission. The following standards shall be used by the City to review architectural plans:

(June 02, 2003 – Ordinance 2417)

(June 16, 2003 – Ordinance 2421)

1. **All Zoning Districts:** Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall be designed or oriented not to expose loading docks, or loading areas to the public.
2. **Multiple-Family Dwellings and Townhomes in All Districts:**
 - a. These building design standards are intended to create and add to the visual interest of Waukee's streets; to ensure quality and consistency in building architectural character and style; to ensure compatibility with adjacent development, as applicable; to avoid featureless building massing; to provide building design details to reduce the visual scale of large multi-family buildings; to achieve unity of design through the use of similar materials and colors; to ensure use of building materials that are durable and attractive; to encourage the provision of private open spaces for residents' enjoyment; and to ensure accessory structures are compatible in design with the primary buildings they serve.
 - b. These standards of Building Height, Massing and Form are intended to achieve the following purposes:
 - (a) Provide a distinctive, quality, consistent, architectural character and style in new multi-family and townhome development that avoids monotonous and featureless building massing and design.
 - (b) Ensure building design and architectural compatibility within a multi-family or townhome development.

- (c) As applicable, new building design should respect the context of adjacent residential neighborhoods, including the height, scale, mass, form, and character of surrounding development.

- (1). Requirements for Three-Story Buildings

Where allowed, three-story structures shall be permitted provided that the three-story portion of any building shall be setback a minimum of fifty feet (50') from any adjacent streets or single-family residential developments.

- (2). Building Mass and Form

- (a). Multi-family and Townhome building design should incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. A second story, for example, should not appear heavier or demonstrate greater mass than that portion of the building supporting it.

- (b). All buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof surfaces of fifty (50') feet or more are prohibited. At least every fifty linear feet (50'), wall and roof planes shall contain offsets or setbacks with a differential in horizontal plane of at least two feet (2').

- (c). The façades of single-family attached townhomes should be articulated to differentiate individual units.

- c. Architectural Detail: Style, Roof Form, Building Façades, Entries, and Windows

The following guidelines and standards governing architectural detail are intended to provide a distinctive, quality, architectural character in new multifamily developments. In particular, architectural details help to reduce the visual scale of large multi-family and townhome buildings and development.

(1). Consistency in Architectural Style

Each building in a multi-family and townhome development should have a definitive, consistent style. Mixing of various architectural styles on the same building dilutes the character of a building.

(2). Four-Sided Design Required

All sides of a multi-family or townhome building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.

(3). Articulated Building Fronts

Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.

(4). Windows

(a). All multi-family and townhome building elevations shall contain windows, except then their omission is necessary to assure privacy for adjacent property owners.

(b). Windows should be located to maximize the possibility of occupant surveillance of entryways, recreation areas, and laundry areas.

(5). Garage Doors

(a). Garage doors of two-car attached garages shall not comprise more than fifty percent (50%) of the total length of a multi-family or townhome building's front façade.

(b). Garage doors of three-car attached garages shall not comprise more than sixty-five percent (65%) of the total length of a multi-family or townhome building's front façade.

- (c). Every two single-bay garage doors or every double garage door shall be offset by at least two feet (2') from the plane of an adjacent garage door(s).

(6). Roofs

- (a). All multi-family and townhome buildings shall have a pitched roof with a minimum slope ratio of 5:12.
- (b). On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis.
- (c). Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.

(7). Encouraged Items

- (a). Windows in all garage doors;
- (b). Two sidelights and/or a transom on all front doors;
- (c). Real or simulated chimneys faced with masonry on all buildings.

d. Building Materials

(1). The following guidelines and standards are intended to:

- (a). Achieve unity of design through the use of similar materials and colors throughout multi-family and townhome developments.
- (b). Select high-quality building materials that are durable, attractive, and have low maintenance requirements.

(2). Submittal Requirements

Applicants shall submit a sample building material board at the time of site plan approval.

(3). Design Guidelines and Standards

(a). Use to Define Neighborhoods. In large multi-family and townhome projects over 100 units, subtle variations in color and materials shall be used where practicable to define neighborhoods.

(b). Exterior Materials:

(11) All apartments, condominiums and 3-story above-grade townhomes shall incorporate, at a minimum, forty percent (40%) brick or stone into the overall building design. All door or window openings shall count toward this requirement if surrounded by the hard surface material. These opening shall not be designed to unreasonably reduce the amount of hard surface material that is used.

(22) All townhomes shall incorporate, at a minimum, the percentage of brick or stone as outlined in the following chart:

HARD SURFACE REQUIREMENT PERCENTAGE TOWNHOME CONSTRUCTION												
STYLE	A			B			C			D		
	FRONT	SIDE	REAR	FRONT	SIDE	REAR	FRONT	SIDE	REAR	FRONT	SIDE	REAR
Ranch	accent	accent	0	accent	accent	0	accent	0	0	0	0	0
Ranch / 2 Story	10	accent	accent	accent	accent	accent	accent	accent	0	0	0	0
2 Story	20	10	accent	15	10	accent	10	accent	accent	accent	accent	0
2 / 3 Story	30	20	15	25	15	10	20	10	accent	15	10	accent

A: Within the Arterial Corridor Overlay District or adjacent to a single family property

B: Adjacent to collectors and arterials as classified in the Major Streets Plan

C: Adjacent to a commercial or multi-family property

D: Adjacent to an M zoned district

(33) The City of Waukee has the right to require up to forty percent (40%) brick or stone on all four elevations of any building. The balance of net exterior wall area may be lap

siding, synthetic stucco (EIFS) or another similar material.

(44) Exterior building materials shall not include the following: rough sawn board and batten wood, smooth-faced or gray concrete block, painted concrete block, tilt-up concrete panels, field painted or pre-finished standard corrugated metal siding, standard single or double tee concrete systems.

(55) The rehabilitation of existing multi-family and townhome structures shall comply with the requirements for exterior building materials above to the maximum extent practicable.

(c). Roof Materials. Predominant roof materials shall be high quality, durable material such as, but not limited to: wood shake shingles, clay or concrete tiles, composition shingles, and asphalt shingles. Other materials will be considered on a case-by-case basis.

e. Private Outdoor Spaces

(1). Design Guidelines and Standards

Outdoor porches, patios and screened private areas are encouraged.

f. Accessory Structures

(1). The following standards are intended to integrate accessory structures into the overall design of a multi-family or townhome development in order to be compatible with the primary buildings they serve.

(2). Design Guidelines and Standards

(a). Design Compatibility Required. Detached garages and other accessory structures, including but not limited to grouped mailboxes, storage and maintenance facilities, recreational facilities, picnic shelters, and gazebos, shall incorporate compatible

materials, scale, colors, architectural details, and roof slopes as the primary multi-family buildings, except that flat and shed roofs are prohibited.

(b). Articulation of Rear Walls.

(11). Rear walls of detached garages that back onto the perimeter street shall be articulated through the use of one or more of the following elements:

(aa). Windows;

(bb). A variety of roof planes.

(c). Building shall be designed and constructed in a manner that is compatible with the adjoining residential uses in the neighborhood. Multiple-family buildings with single plane walls and/or boxy appearance shall not be considered acceptable. Buildings shall be designed with exterior details, texture, and creative use of angles and a multiplicity of planes within wall and roof design in order to enhance the building's physical appearance and eliminate plainness.

g. Minimum 40% brick. All apartments and condominiums shall incorporate, at a minimum, forty percent (40%) brick or stone into the overall building design. All door or window openings shall count toward this requirement if surrounded by the hard surface material. These opening shall not be designed to unreasonably reduce the amount of hard surface material that is used.

(October 6, 2003 – Ordinance 2435)

(May 2, 2005 – Ordinance 2514)

3. **Non-Residential Uses In R Districts:** Any building used for a permitted non-residential use in an R District shall be designed and constructed with architecture compatible with the residential uses within the neighborhood. Use of materials shall follow the guidelines set forth for commercial buildings in item 4 below.

(January 9, 2006 – Ordinance 2567)

4. **All Uses Within Any C District:** Buildings within any C District shall be designed, having as a primary element of the building exterior: fascia glass, brick, concrete panels, textured concrete block or stone with all sides of any

building consistent in design and use of materials. These materials shall make up at least 60% of the total area of each side of each structure. No wood, vinyl, masonite, asphaltic wall material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, stucco or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building. The architectural design and use of materials for the construction shall be reviewed as part of any site plan.

(June 4, 2001 - Ordinance 2347)

5. **Downtown Triangle District.** (The regulations specified under this district will apply to the C-2 district and the adjacent C-1 and C-1A districts. This section superceded item 4 above.)

Allowed materials within this district include brick, stone, wood, fiber cement siding, textured or burnished concrete block, as well as other similar materials. Synthetic stucco or EIFS type products are allowed, while traditional stucco is not. Residential style metal siding is allowed, while ribbed or corrugated metal panels are not. All sides of a structure should receive design consideration, particularly those facing public areas.

Unbroken wall and rooflines shall not exceed fifty (50) feet in length. Buildings that have a street frontage of greater than 50 feet shall be required to design the building so that it appears to be two or more distinct structures.

In addition, façade modulation should be practiced through the use of pilasters, elevation changes, architectural detailing, and changes in surface materials, colors and textures. Rooflines should incorporate dormers, cupolas, skylights, chimneys or changes in ridgelines. The use of architectural features and details, such as porches, awnings, columns, towers, turrets, skylights, and arches are encouraged to provide for interesting buildings. The use of storefront windows is encouraged to foster pedestrian friendly atmosphere. All door and window openings should be proportional to façade length and height.

The use of color should be carefully considered so that it compliments the downtown area generally. The use of bright or distinctive colors (excluding neon colors) shall be allowed on trim and accent areas. Lighted neon tubing shall not be an acceptable feature on the exterior of any building.

Every effort should be made to ensure that buildings are compatible in use and design with their surroundings.

All proposals shall be subject to review by the Downtown Area Design Committee.

(Downtown Standards – June 21, 2004 – Ordinance 2474)

6. **All Uses Within The M-Districts:** The exterior material of the building's front elevation shall be comprised of brick, concrete panels, textured concrete block, stone panels, or other similar material. These materials shall be present on at least 60% of the buildings front and must be present on other sides as at least trim material. The predominant material in these sidewalls may be textured metal panels, architectural metal or similar material. The use of sheet metal (ribbed metal panels) as an exterior building material shall not be considered acceptable for any facade. No wood, vinyl, masonite, asphaltic wall material, aluminum or steel siding, non-textured concrete block, stucco or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building. The architectural design and use of materials for the construction shall be reviewed as part of any site plan.

M-2 District: This section shall not apply to development in an M-2 area provided that the GFA of the site is in excess of 150,000 square feet per floor.

7. **Arterial Corridor Overlay:** All lots within 600 feet of Highway 6, Alice's Road or University Avenue shall adhere to the following standards:

- a. All buildings must be designed to include brick, stone or glass on at least 70% of each elevation. Split face block, EIFS and precast materials may be used as a secondary material. Residential-style vinyl or metal siding may not be used. Metal paneling may be used as a trim material and must not make up more than 10% of any elevation.

(October 4, 2004 – Ordinance 2490)

- b. All buildings should be designed to minimize single plane walls and boxy appearance through the use of pitched roofs, dormers, cupolas, multiple roof lines, and relief in long wall expanses.
- c. Loading docks, service areas or overhead doors shall not face the corridor.
- d. Drive-thru windows and menu boards and other related items shall be screened or located so as not to be visible from the corridor.

(September 13, 2004 – Ordinance 2489)

- e. Convenience stores and gas stations shall be limited to one such business per 1/2 mile of corridor frontage.
(September 13, 2004 – Ordinance 2489)
- f. Used car sales facilities shall be limited to those adjoining new car sales dealerships
(September 13, 2004 – Ordinance 2489)
- g. Access to Highway 6 shall occur via the DOT’s predetermined access points (PDA’s). Access along University Ave. and Alice’s Rd. shall occur at no less than 300 foot intervals.
- h. Every effort should be made to ensure that a building or development is compatible in use and design with its surroundings.
(October 6, 2003 – Ordinance 2435)

Buildings proposed in commercial or industrial areas that are adjacent to less intense uses (e.g. residential or civic uses) should be designed with an articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable parts.

Commercial and industrial buildings shall incorporate façade modulation in all building elevations visible to the public or adjacent to other less intense uses in order to preserve building scale and reduce the effect of long, large or expansive wall surfaces. Variation of these surfaces can be accomplished by physical offsets or the use of color, pattern or texture.

Buildings shall incorporate architectural design elements, materials, and colors into the side and rear building elevations similar to those used in the front building elevation.

(M. Architectural Standards – February 12, 2002 – Ordinance 2362)

(N) **Lighting Standards.** As part of the submittal of a site plan for development in any Zoning District except those for which a site plan is not required a lighting plan shall be submitted in accordance with sec. 304.4(M) for review and approval by the City Council after recommendation by the Planning and Zoning Commission which shall comply to the requirements imposed by this section and its subparts.

1. **Applicability.**

- a. Exterior lighting that is approved by the Council after the effective date of this Ordinance shall conform to the provisions of this Section.

2. **Definitions.** Unless the context clearly indicates otherwise, the words and phrases used in this Ordinance shall have the following meaning:
- a. Exterior lighting. Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors.
 - b. Exterior lighting fixture. The complete exterior lighting unit, including: the artificial source of light, the parts required to distribute the light, elements for light output control such as the reflector (mirror), or refractor (lens), the housing that protects and holds the lamp in place, the connection to the power supply, and the component that anchors the lighting unit to the ground or onto a structure.
 - c. Foot-candle. The illuminance measured one (1) foot from a one (1) candle source.
 - d. Full cut-off. A shielded light fixture that emits no light above a horizontal plane touching the lowest point of the fixture
 - e. Glare. The light in a direction near one's line of sight that either causes discomfort to the eye or impairs visibility.
 - f. Horizontal and vertical foot-candles. The illuminance, measured by a light meter, striking a vertical or horizontal plane.
 - g. Illuminance. The intensity of light in a specified direction measured at a specified point.
 - h. Light. A form of radiant energy acting on the retina of the eye to make sight possible.
 - i. Light trespass. Unwanted light falling on public or private property from an external location.
 - j. Display Lot. Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. Merchandise is defined as new and used vehicles owned by and actively offered for sale to the general public by the property owner. Active is defined as those times when sales employees are employed on site for the purpose of selling the merchandise located on the property to the general public, and does not include display of merchandise which is offered for sale at locations other than the property.

(January 14, 2008 – Ordinance 2624)

- k. Recreational Facility. Football fields, soccer fields, baseball fields, tennis courts, swimming pools, or any other special event or show area.
- l. Floodlight. A lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

3. **Design Guidelines and Standards.**

- a. Required Lamps - Generally. All lamps shall be halogen, metal halide or others with similar qualities to reduce glare and provide for improved color correct vision. Full cut-off high pressure sodium lamps, not exceeding a maximum lumen rating of 16,000 lumens, may be used in outdoor storage areas where the need for good color rendering capabilities for safety and security is not necessary. Such areas must not be accessible to the general public or adjacent to any 'R' zoned property.
- b. Required Exterior Lighting Fixtures - Generally. All exterior lighting fixtures shall be full cut-offs. No portion of the lamp, lens, or diffuser shall be visible from the side or top of any shield, or otherwise protrude from the bottom of the shield. No exterior lighting fixture shall emit light at or above a horizontal plane that runs through the lowest point of the shield.
- c. Commercial.

(1) Architectural and Decorative Lighting

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

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

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

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

(2) Site and Parking Lot Lighting

The mounting height for lighting fixtures shall not exceed thirty-three feet (33') from grade to the top of the lighting fixture.

The maximum average maintained foot-candles for a parking lot lighting fixture shall be three (3) foot-candles. The minimum average maintained foot-candles for a parking lot lighting fixture shall be one (1) foot candle. The maximum lighting level for a parking lot lighting fixture shall be six (6) foot-candles.

The maximum horizontal foot-candle measurement at any property line shall be two (2) foot-candles. The maximum maintained vertical foot-candle at an adjoining property line shall be two (2) foot-candles, as measured at five feet (5') above grade.

(3) Display Lot Lighting

The mounting height for lighting fixtures shall not exceed thirty-three feet (33') from grade to the top of the lighting fixture.

The display lot lighting adjacent to the public roadway or frontage road shall have a maximum average maintained foot-candle for display lot lighting of twenty-five (25) foot-candles. The minimum average maintained foot-candles for display lot lighting shall be one (1) foot candle. The maximum lighting level for a display lot lighting fixture shall be thirty (30) foot-candles.

The remaining rows intended for vehicle display as defined on the site plan shall have a maximum average maintained foot-candle for display lot lighting of twenty (20) foot-candles. The minimum average maintained foot-candles for display lot lighting shall be one (1) foot candle. The maximum lighting level for a secondary row a display lot lighting fixture shall be twenty-five (25) foot-candles.

All customer and employee parking areas and other non-display areas within the site shall conform to the Site and Parking Lot Lighting requirements as defined above.

The maximum horizontal foot-candle measurement at any property line shall be two (2) foot-candles. The maximum maintained vertical foot-candle at an adjoining property line shall be two (2) foot-candles, as measured at five feet (5') above grade.

All display lot lighting fixtures shall meet the shielding and lamp requirements contained in this ordinance and adhere to all other requirements imposed by the Waukee Municipal Code.

After 10:00 p.m. and until 7:00 a.m., all display lot lighting fixtures shall conform to the Site and Parking Lot Lighting requirements as defined above through the means of a control system or systems for outdoor general area lighting. An extension of the cutoff time for display lot lighting levels for special events may be permitted upon special request to the City Council.

The discontinuance of the use of the property for on site vehicular sales shall eliminate the authority of property owner to operate the display lot lighting at the levels set forth herein. In the event of such discontinuation of use the lighting may only be operated in accordance with the other requirements of this ordinance. It shall be the property owner's responsibility to notify its successors in interest or tenants of the obligations imposed by this ordinance.

(Display Lot Lighting subsection in entirety –
January 14, 2008 – Ordinance 2624)

(4) Canopy Lighting

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

- (a) Recessed fixtures that incorporate a lens cover that is either recessed or flush with the bottom surface of the canopy;
- (b) Indirect lighting where light is emitted upward and then reflected down from the underside of the canopy. Such fixtures shall be shielded to ensure that no light is emitted at or above a horizontal plane that runs through the lowest point of the canopy.

- d. Street Lighting. All private street light fixtures shall measure no more than 30 feet (30') from grade to the top of the lighting fixture, and shall be cobra-style, unless the Commission and Council permit the installation of an alternative fixture. The Commission and Council may approve an alternative lighting fixture only after a determination has been made that the alternative fixture has been designed to avoid glare and trespass. The use of lighting fixtures that direct light upward into the air is strictly prohibited. All lighting

on public streets shall conform with the current City of Waukee standard specification.

- e. Pedestrian Walkway Lighting. All pedestrian walkways shall be lit by pedestrian-level, bollard-type lighting (4 ft. height max.), ground mounted lighting, pole lighting (12 ft. height max.), or other low, glare-controlled fixtures that are mounted on building or landscape walls.
 - f. Recreational Facilities. The lighting fixtures at all public or private outdoor recreational facilities shall be designed to minimize the amount of light that is directed upward into the air, glare, and light trespass. The illumination of any public or private outdoor recreational facility after 11:00 p.m. is prohibited, except in order to conclude a specific activity, previously scheduled, which is in progress under such illumination prior to 11:00 p.m.
4. Exemptions. This Ordinance shall not apply to the following exterior lighting sources:
- a. Airport lighting required by law;
 - b. Temporary emergency lighting;
 - c. Temporary lighting, other than security lighting, at construction projects;
 - d. Governmental facilities where a compelling need for safety and security has been demonstrated;
 - e. Lighting for flag poles, church steeples or other similar non commercial items provided they do not cause distraction within public rights-of-way.
(N. Lighting Standards – October 2, 2005 – Ordinance 2536)

§304.6 **Review Guidelines:** When reviewing a site plan, the Planning and Zoning Commission, and City Council shall consider the following guidelines. In no case may these guidelines be used to attempt to replace or override the requirements of the Waukee Zoning Ordinance.

A. **Definition of Terms:**

Architectural Design - Multiple-Family: exterior building materials, exterior details and texture, treatment of windows and doors, and a variety in the wall and roof design to lessen the plainness of appearance which can be characteristic of large residential buildings.

Compatibility: neighboring buildings should fit well together in appearance of architectural style, materials, scale, and color, as viewed from the street scape. This criterion shall not mean that all building must look alike.

Harmony: the development shall be aesthetically pleasing from the combination of architectural design, landscape elements, miscellaneous structures, and the design of movement of vehicular and pedestrian traffic.

Landscape Elements: the various elements of nature, topography, buildings and other man-made objects viewed in relation to one another.

Miscellaneous Structures: Structures, other than buildings, visible from public ways. Examples are: monuments, antennas, sheds, shelters, fences, and walls, transformers, drive-up facilities.

Scale: the relationship of the size of elements to one another and to the human figure.

Screening: Structures and/or plantings that conceal an area from view from a public way.

Street Furniture: Man-made objects other than buildings that are part of the street scape. Examples are; benches, litter containers, planting containers, sculptures vending machines and newspaper dispensers.

Street Scape: The scene from the public street or way composed of natural and man-made elements, including buildings, paving, plantings, street furniture and miscellaneous structures.

§304.7 **Building Permits - Application.** No building permit shall be issued for the construction of any structure that is subject to the provisions of this ordinance, until a site plan has been submitted for review covering the land upon which said structure is to be erected, and further, approved by City Council for such development in accordance with this ordinance. No site plan shall be approved for any horizontal property regime until the declaration as to the horizontal property regime required by §499B.3, Code of Iowa, shall have been approved by the City Council. No such declaration as to the horizontal property regime shall be recorded with the County Recorder until approval by the City Council shall have been endorsed thereon.

(November 18, 2002 Ordinance #2392)

§304.8 **Procedure.**

- A. **Pre-Application Conference:** Whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of land within any district of the Waukee Zoning Ordinance, and any use, except one and two family dwellings, the person shall submit to the City Administrator a request for a Pre-Application Conference.

The Conference shall include the applicant or his representative and the Zoning Administrator. The purpose of the Conference shall be to acquaint the City staff with the proposed construction and to acquaint the applicant or his representative with the procedures and with any special problems that might relate to such construction.

The applicant shall furnish a legal description of the subject real estate at the time of requesting a Pre-Application Conference, and the Conference shall be held within seven (7) days of such request.

- B. Continuous Site Plan Review.** After completion of the Pre-Application Conference as required by subsection A of this section, and in the event the applicant wishes to proceed with the construction as discussed at said Conference, he shall cause to be prepared a site plan of such proposed construction, and shall submit five (5) copies of the same to the City Administrator and one (1) copy to the City Engineer. The site plan shall be accompanied by a cover letter requesting review and approval of said plan. The payment of the application fee is as follows:

Site plan review - one acre or less - \$65.00.

Site plan review - more than one acre - \$90.00.

(June 16, 2003 – Ordinance 2423)

The applicant shall be responsible for just and reasonable costs incurred by the City for review of site plans deemed necessary by the City to insure proper conformance with City ordinances and standard specifications.

The site plan shall contain all the information required by §304.5 and §304.6 of this ordinance unless otherwise waived by the Zoning Administrator.

The Zoning Administrator shall retain one (1) copy for his review and comment. The remaining copies shall be retained by the City Administrator for review and distribution. The Zoning Administrator and City Engineer shall review the plan for conformance of the design to the standards and required data set forth in §304.4 and §304.5 of this ordinance.

C. Action:

1. The City Administrator shall promptly notify the applicant in writing of any revisions or additional information needed as required by §304.4 and §304.5. If necessary, the applicant shall make revisions and resubmit the revised plan(s) to the City Administrator for compliance. If the site plan complies with requirements set forth in this ordinance, the applicant shall submit twelve (12) copies of the plan to the Planning and Zoning Commission for approval, disapproval, or approval subject to conditions.

2. The Commission shall in its regularly scheduled meeting, act upon the site plan and accompanying material. The City Engineer, City staff and other departments shall submit to the Commission their recommendation. The applicant or a representative shall be present at the meeting. Action of the Commission shall be approval, approval subject to conditions, denial, or table for further review.
3. Approval by Commission. In the case of approval by the Commission, the approval shall be documented on seven (7) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy retained by the Commission and six (6) copies shall be forwarded to the City Council. Additional copies of the plan may be required, at the City's request.
4. Conditional Approval by Commission. In the case of approval subject to conditions by the Commission, the approval shall be documented on seven (7) copies of the site plan and the conditions determined attached thereto. One (1) copy shall be returned to the builder, one (1) copy shall be retained by the Commission, and six (6) copies shall be forwarded to the City Council. The applicant shall provide revised copies of the site plan in accordance with the Commission action and submit twelve (12) copies to the City Clerk prior to Council action. The City Clerk shall forward one (1) copy to the City Engineer, six (6) copies to the City Council and one (1) copy for the Commission files, and the remaining balance to other City Departments/Utilities.
5. Disapproval by Commission. In the case of disapproval by the Commission, the disapproval shall be documented on three (3) copies of the site plan. One (1) copy shall be returned to the applicant, one (1) copy shall be retained by the Commission, and one (1) copy shall be retained by the City Clerk.
6. Council Action. At the next regularly scheduled Council meeting following Commission action, the Council shall act on the site plan and accompanying material. The applicant or a representative shall be present at the meeting. Action of the Council shall be approval, denial, or table for further review.
7. Approval by Council. In the case of approval by the Council, the approval shall be documented on three (3) copies of the site plan. One (1) copy shall be returned to the applicant. One (1) copy shall be forwarded to the Commission, one (1) copy shall be retained by the City Clerk. Applicant may then proceed with approval of building permit and accompanying material.
8. Denial by Council. In the case of denial by the Council, the denial shall be documented on three (3) copies of the site plan. One (1) copy shall be

returned to the applicant, one (1) to the Commission, and one (1) copy shall be retained by the City Clerk.

9. Resubmittal of Site Plan Denied by Council. A site plan that has been approved by the Commission and denied by the Council may be revised by the applicant in accordance with the Council Action and twelve (12) copies resubmitted to the Commission for approval as before.
10. Resubmittal of Site Plan Denied by Council and Commission. A site plan that has been denied by both the Commission and the Council may be resubmitted to the City by the applicant for Commission and Council approval with respect to the original terms of these procedures, which includes twelve (12) copies of the preliminary plat and filing fees. Resubmittal under these terms shall be considered a new site plan subject to fees and procedures outlined in §304.8(C).

§304.9 Validity Of Approval.

- A. A site plan shall become effective upon certification of approval by the City Council.
- B. The City Council approval of any site plan required by this article shall remain valid for one (1) year allowing one (1) year extension with approval of City Council upon recommendation of the Commission after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this article “actual construction” shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property, or stockpiling of materials on the site shall not constitute actual construction.
- C. Exemption: At the time of site plan approval the City Council may grant an exemption on the time construction must begin after their approval is given for a utility service structure.

(October 4, 1999 – Ordinance No. 2306)

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

- A. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s). Relocation of building entrances or exits, shortening of building canopies.

- B. Changing to a more restrictive commercial or industrial use, provided the number of off-street parking spaces meets the requirement of the Waukee zoning ordinance. This does not apply to residential uses.
- C. Changing angle of parking or aisle provided there is no reduction in the amount of off-street parking as originally approved.
- D. Substituting plant species provided a landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effect.
- E. Increasing peripheral yards.

§304.11 **Applicability to Existing Development.**

- A. **Increasing the size of a building, lot, parking area, etc.** Any improvement that will increase the size of a building, lot, parking area, etc. shall be submitted for review by the City.

1. If the proposed improvement increases the size of a building or lot by less than 25%, it shall be submitted for review by City staff and approved or disapproved by City staff. In such a case, fees and applicable expenses will be due and payable to the City. City staff shall have the authority to require such a project to be reviewed by the Commission and Council if they feel such review is warranted.

2. If the proposed change is in excess of 25%, it shall be submitted for full review and approval or disapproval by the Planning and Zoning Commission and City Council. In such a case, fees and applicable expenses will be adjusted accordingly and will be due and payable to the City.”

(February 2, 2004 – Ordinance 2459)

- B. **Non-compliance with Regulations Set Forth in Chapter 304.** Any improvement or maintenance to any structure or site feature must not cause the site or building to become non-compliant with the regulations set forth in this Chapter. If the site or building is already non-compliant, the change to the building or site proposed by the owner must not cause them to become more non-compliant. For example, a building approved with a given amount of brick, glass or concrete panels may not replace these materials with EIFS, vinyl or metal siding. City Council, after receiving a recommendation from the Planning and Zoning Commission, may determine said material when used as a primary element does not distract from the physical appearance of the building.”

(February 2, 2004 – Ordinance 2460)

§304.12 **Violations And Penalties.** Any person, firm, partnership, association or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and

shall be punished by a fine of not more than One Hundred Dollars (\$100) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each thirty (30) days that prohibitive conditions are maintained shall constitute a separate offense. In addition, the City of Waukee may proceed in law or in equity to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct of business, or use in or about said premises.

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

§304.14 **Effective Date.** This ordinance shall be in effect after its final passage, approval and publication as required by law.