CHAPTER 165B

TRANSPORTATION CORRIDOR MIXED USE DEVELOPMENT OVERLAY DISTRICT

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165B.01 PURPOSE. It is the intent of the City of Grimes that a mixed use development overlay district be created along the Highway 44 transportation corridor and the other major transportation corridors as indicated on the zoning map, that will provide for a combination of permitted uses, including commercial and residential development and governmental offices in a “traditional” development pattern. This overlay district is intended to supplemental the base zone regulations within the overlay district boundaries in order to preserve the existing mix of commercial and residential uses within the district boundaries; to enhance the Highway 44 transportation corridor; to encourage new commercial and residential development in an orderly and compatible manner, including mixed commercial/residential development with residential structures above the first floor; to allow for maintenance and renovation of existing residential uses, while providing for appropriate redevelopment and/or adaptive reuse of existing residential structures; to preserve the historical resources of the City; to protect the environment; maintain and enhance “a sense of community”; and to reflect the unique development needs of the areas of the City impacted by proximity to the Highway 44 transportation corridor, and the other major transportation corridors as indicated on the zoning map.

This Ordinance has been made with reasonable consideration to the character of areas included in this overlay district regulation and the peculiar suitability of such areas for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land within the City.

165B.02 INTERPRETATION AND APPLICATION. The overlay zoning district created by this Ordinance is intended to function as an “overlay” to the underlying “base” zoning districts, and these regulations are in addition to the use, yard, bulk and other requirements of the applicable “base” zoning district. The two locations of this overlay zoning district shall be shown on the Official Zoning Map of the City and are referred to as Highway 44 Overlay Area 1, which

is located generally along both sides of the Highway 44 corridor, and Highway 44 Overlay Area 2, which is the other major transportation corridors as indicated on the zoning map.

The provisions of this Ordinance are the minimum requirements for the promotion of public health, safety and general welfare. If this Ordinance requires a greater width, or size of yards or other open spaces of a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required in any other statute or local ordinance or regulation, this Ordinance shall govern. This Ordinance shall not be deemed a limitation or repeal of any other power granted by the Code of Iowa.

165B.03 VALIDITY AND SEVERABILITY. If any division, section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance is adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any division, section, subsection, paragraph, sentence, clause, phrase, or other than the provision so adjudged to be invalid or unconstitutional.

165B.04 EFFECTIVE DATE. This Ordinance shall be effective after adoption and publication by the Grimes City Council as required by Chapter 414 of the Code of Iowa.

165B.05 TITLE. This Ordinance shall be known as, referred to as, cited as the "Transportation Corridor Mixed Use Development Overlay District".

165B.06 BASE ZONES. The following base zoning districts shall be applied for development within the Highway 44 Mixed Use Development Corridor Overlay

District:

1. 'A-1' Agricultural District. This zoning district is intended to be applied to undeveloped land {*and agricultural uses*} within the overlay district boundaries. At the time of further development such property shall be rezoned to an appropriate base zoning district.

2. 'R-1' Single Family Dwelling District.

3. 'R-2' Single Family and Two Family Dwelling District.

4. 'R-3' Multiple Family Dwelling District.

5. 'R-4' Planned Residential Development District.

6. 'C-1' General Commercial District.

7. 'C-2' General and Highway Service Commercial District.

8. 'C-3' Planned Commercial Development District. The 'C-3' Planned Commercial Development District shall be applied only within Area 2 of the Highway 44 Mixed Use Development Overlay District.

The following zoning districts shall be considered **prohibited base zoning districts** within the Highway 44 Mixed Use Development Corridor Overlay District: 'M-1' Limited Industrial District; 'M-1A' Commercial and Limited Light Industrial District; 'M-2' Light Industrial District; 'M-3' Heavy Industrial District and 'R-5' Mobile Home Park District.

165B.07 PERMITTED AND PROHIBITED USES. Permitted uses shall be governed by the underlying base zoning districts with the following exceptions and considerations:

1. In the 'A-1' Agricultural Zoning District the following conditional uses **shall not** be considered for approval by the Zoning Board of Adjustment:

A. Mink and chinchilla farms and ranches.

B. Private aircraft landing fields and airports.

C. Mining and extraction of minerals and raw materials.

D. Private sanitary landfills and solid waste disposal facilities.

E. Feed lots and poultry farms.

F. Private gun clubs, skeet-shooting ranges and similar uses.

2. In the 'C-1' General Commercial District, and 'C-2' General and Highway Service Commercial District construction of **new single family and two family dwellings shall be considered impermissible uses** and such new construction shall not be permitted after the effective date of this Ordinance. **Any existing single family or two family dwelling**, or a single family dwelling or two family dwelling for which a building permit has been received and construction has commenced prior to the effective date of this Ordinance shall be considered a permitted use. As such, maintenance, renovation and/or expansion, or replacement of a fire damaged/destroyed dwelling of a pre-existing one family and two

family dwellings shall be permitted, as long as it is consistent with the applicable zoning regulations.

3. A mix of commercial uses and multiple dwellings in the same structure is permitted and encouraged in the 'C-1' General Commercial District and the 'C-2' General and Highway Service Commercial District. However, 100% of the first floor shall be in a permitted commercial use, and the **multiple dwellings shall be located above the first floor.**

165B.08 BULK REGULATIONS. The bulk regulations for each of the base zoning districts and the Exceptions and Modifications contained in Section 165.36 shall prevail, except as stated below. In the case of a lot containing a commercial use and multiple dwelling use in the same structure in the 'C-1' General Commercial District or the 'C-2' General and Highway Service Commercial District, as per Section 165B.07, the minimum lot area and setbacks shall be governed by the commercial use on the first floor.

165B.09 ARCHITECTURAL REQUIREMENTS. The intent for development within the Highway 44 Mixed Use Development Corridor District is to create a traditional downtown atmosphere and a pedestrian scale in the commercial areas through the use of appropriate exterior construction materials, window placement and door openings, and the provision of sidewalks and walkways. In addition it is also the intent to allow for the development of residential uses within the Highway 44 corridor, which will provide needed housing in close proximity to the commercial uses. Such residential structures should be designed and constructed from materials that will complement the traditional downtown character that is intended for this overlay district. To that end the following architectural requirements shall be placed on the construction of commercial and multiple family dwellings.

1. Building Materials.

A. Commercial Buildings. The exterior building walls of all newly constructed commercial buildings with a base zoning of 'C-1' General Commercial District, 'C-2' General and Highway Service Commercial District, and 'C-3' Planned Commercial District shall be constructed with face brick or brick panels. This requirement shall not preclude the use of accent materials such as stone or cast stone on the street face of the buildings. A sample of the brick material and any accent material shall be submitted for approval along with the other required application materials.

Other masonry materials, including stone, cast stone, ornamental concrete block, or other similar materials such as concrete panels,

may be allowed on the exterior building wall facing adjacent streets of commercial buildings, provided such alternate materials are reviewed by the Planning and Zoning Commission and approved by 4/5 vote of the City Council. A sample of any of the alternate materials shall be submitted along with the other required materials. Evaluation of these alternate materials shall be based on the quality of the building design, the intended character of the area, and the relationship and compatibility with building materials in the immediate neighborhood.

Existing residential structures that are converted to a commercial use may be remodeled to such use without being required to meet the exterior building siding requirements, stated above but shall complement the existing residential housing within the zone.

B. Multiple Dwellings. Acceptable materials for the exterior building walls for multiple dwellings include horizontal lapped siding with 4 inches to 6 inches exposed between laps, brick, brick panels, stone, cast stone, ornamental concrete block or other similar materials. At least 50% of exterior building walls facing abutting streets, exclusive of the window and door openings, shall be constructed of brick, brick panels, stone, cast stone, ornamental concrete block or other similar materials.

2. Roofing Materials. Allowable roofing materials for any sloped roof on new commercial buildings or new multiple dwellings shall include the following: shingles, shakes, or standing seam metal roofs of a color approved by the City Council. Galvanized or aluminum colors shall not be permitted.

3. Windows and Doorways. In order to maintain a pedestrian orientation and promote a traditional downtown character all exterior building walls facing adjacent streets of commercial buildings in the 'C-1' General Commercial District, 'C-2' General and Highway Service Commercial District, and 'C-3' Planned Commercial District shall be glazed along a minimum of 40% of the wall length with clear glass at eye level.

A primary entrance door shall be provided on street side of all commercial buildings. In the case of a corner lot there shall be a primary entrance door on the side where the building is addressed.

165B.10 SCREENING REQUIREMENTS.

1. Mechanical Equipment. For all uses, except single family and two family dwellings, mechanical equipment, including cooling and heating equipment, pumps, generators and transformers that are located on the ground shall be substantially screened from the adjacent street and from adjacent residentially zoned properties by a fence and/or evergreen shrubs. All mechanical equipment mounted on roofs or the wall of buildings shall be substantially screened from any adjacent properties and from adjacent streets with materials that are consistent with the architectural materials used on the abutting side of the exterior of the building.

2. Dumpsters. All dumpsters and/or trash collection areas shall be located on the rear half of the lot and shall be screened from public streets and any adjacent properties by means of a wall or a substantially opaque fence. Such wall or fence materials shall architecturally match the principal building, although alternating board fence would be acceptable, if the dumpster or trash collection area is not visible from the street.

165B.11 LOADING DOCK ACCESS AND LOCATION.

1. Access. When a site is adjacent to an alley, access to off-street loading shall be from that alley. In the case of a corner lot fronting on Highway 44 access shall be from the side street. For all other corner lots access shall be from the street having the least volume of vehicular traffic.

2. Location of the Loading Dock. A loading dock shall not be located on the side of the building facing Highway 44, any other street, or any residentially zoned property. An exception to this requirement may be allowed in the case where no other practical location is possible and where a visual screen/wall or another architectural feature is provided to screen the loading dock from view or to enhance its appearance. Such screen/wall or architectural feature shall be compatible with the exterior building wall materials and the design of the street face of the building. The screen/wall or architectural feature shall be of sufficient height and width to minimize views of the loading dock from adjacent sidewalks, streets and residential structures. Architectural elevations for the loading dock screen/wall or architectural feature shall be submitted along with the other required submittal materials and shall be reviewed by the Planning and Zoning Commission and approved by the City Council as part of the approval process for commercial buildings.

165B.12 SIDEWALKS AND WALKWAYS. Public sidewalks within the public right of way shall be provided adjacent to all development sites within the Transportation Corridor Mixed Use Development Overlay District. The width of

walkways shall be 10 (ten) feet except the Council may allow an exception to the width from Little Beaver Drive East to James Street.

On-site sidewalks shall connect the street to the main entrance of the principal structure on the site. Where on-site sidewalks cross parking lots, drive aisles, or driveways, the crossing shall be clearly marked or identifiable through the use of striping, speed bumps, different paving material or other similar method.

In the case of a corner lot the on-site sidewalk is only required between the main entrance of the principal structure and one street.

165B.13 DRIVE-THROUGH FACILITIES. Drive-through facilities are permitted as accessory uses for restaurants, banks and pharmacies within the Transportation Corridor Mixed Use Development Overlay District.

When such facilities are located along Highway 44 access to the drive-through lane shall be by means of an adjacent alley, if practical.

The developer shall demonstrate that there will be adequate stacking space provided on-site for the drive-through use during peak use times in order to prevent stacking onto Highway 44, adjacent streets or into an alley.

165B.14 OUTDOOR LIGHTING. It is the intent of these outdoor lighting regulations to eliminate problems of glare, minimize light trespass onto adjoining property, and reduce light pollution within the Transportation Corridor Mixed Use Development Overlay District. In addition it is the intent to provide a uniform lighting pattern and design within and abutting the Highway 44 right of way through the use of consistent luminaires along this corridor on both public and private property.

1. Control of Glare. Any luminaire with a lamp rated at more than 1,800 lumens shall not emit, in its installed position, any direct light above the horizontal plane through the lowest direct light emitting part of the luminaire, and it shall not emit in its installed position any more than 5% of its total light output in the zone from 15 degrees below horizontal to the horizontal plane through the lowest light emitting part of the luminaire.

2. Exceptions to the Control of Glare. Any lighting source producing 1,800 lumens or less shall be exempt from these regulations. Also any temporary lighting needed by Police, Fire or other emergency services and all hazard warning luminaries required by Federal regulatory agencies shall be exempt from these regulations.

3. Light Trespass. All nonexempt outdoor lighting fixtures shall be designed, installed and maintained to prevent light trespass. All outdoor lighting fixtures shall be installed and thereafter maintained so as to not cause direct light from the luminaire to be directed to residential buildings on adjacent and nearby property or nearby land. If such a condition should occur, the luminaire shall be redirected or its light source shall be controlled as necessary to eliminate the condition.

4. Pre-existing Luminaires. Any luminaires lawfully in place at the time of the adoption of these regulations shall be grandfathered. Such luminaires may be replaced with like luminaire unless at least 50% of the like luminaires are being replaced on the same premises. In such a case all replacement luminaires shall meet the requirements of these regulations.

5. Submittal Requirements. The following items shall be submitted by the applicant for site plan approval and or a permit to install outdoor lighting in the Transportation Corridor Mixed Use Development Overlay District:

A. Plans, including the location on the premises of luminaires, fixtures, lamps, supports, reflectors or other lighting devices;

B. A detailed description of the luminaires, fixtures, lamps, supports, reflectors or other lighting devices; [This description shall include manufacturer's catalog cuts and drawings]

C. Photometric data, such as that supplied by the manufacturer, showing the angle of cutoff or light emissions.

6. Highway 44 Pole and Fixture Requirements. The poles and fixtures for all parking lot lighting to be installed on commercially zoned property abutting Highway 44 shall be consistent with the poles and fixtures chosen for the Highway 44 right of way in order to present a uniform lighting pattern and design along the Highway 44 corridor.

<u>165B.15 STREET ACCESS.</u> The purpose of these street access requirements is to protect the public health, safety and general welfare and to maintain a high level of transportation service on Highway 44 and the City's streets.

1. Highway Access. Direct access to Highway 44 shall be permitted only when the subject parcel has no other reasonable access to the street system of the City. Because Highway 44 is a State highway any vehicular access to Highway 44 will require coordination with the Iowa Department of Transportation (IDOT). Proposed access plans shall be submitted,

reviewed, and approved by the City Engineer prior to submittal of such plans to the IDOT for access permit approval.

2. Shared Access. Shared access and reciprocal cross easements for access between adjoining properties will be encouraged to minimize the number of private property access cuts on Highway 44.

3. Alley Use. The use of alleys for primary and secondary access to properties abutting Highway 44 shall be encouraged in order to improve capacity on Highway 44.

4. Corner Lots. Residential uses on corner lots along Highway 44 shall gain access from the side street and/or from an abutting alley.

Commercial uses and mixed commercial and residential uses on corner lots shall gain access from the side street and/or abutting alley to the extent that it is practical and reasonable.

5. Intersection and Access Visibility. A 'visibility triangle' shall be maintained on any corner lot in any commercial zone abutting Highway 44 and at any driveway access from Highway 44. Within the visibility triangle, no fence, wall or sign shall be erected, and no foliage plant shall be permitted that will grow to height of more than two and one-half (2 ½) feet above the elevation of the established centerline grades of the intersecting streets of such corner lot or the centerline grade of the street abutting the driveway access.

A corner lot 'visibility triangle' is defined as the area created by the intersection of property lines at the corner of two abutting streets and a line connecting two points on the two property lines *{20}* feet from the point of intersection. A driveway access 'visibility triangle' is defined as the area created by the intersection of the property line abutting the street and side edge of the driveway and a line connecting a point on the property line and a point on the edge of the driveway *{20}* feet from the point of intersection.

In residential base zoning districts the visibility at intersections for residential districts in Section 165.36-7 of the Zoning Ordinance of the City of Grimes shall apply.

<u>165B.16 OFF-STREET PARKING AND LOADING REQUIREMENTS.</u> Parking lots and loading areas shall be designed with safe and efficient access to parking spaces in mind, and adequate area for the temporary storage of vehicles shall be provided. Consideration in the design shall be given to the impact of the glare of

headlights on adjoining property and streets and on the establishments located on the site. In addition buffering of parking lots from residential uses on adjacent and nearby property shall be provided.

1. Off-street Loading and Parking Requirements. The minimum off-street loading and parking space requirements listed in Section 165.34 and Section 165.35 of the Zoning Ordinance of the City of Grimes shall apply in this overlay zone.

The City Council upon recommendation from the Planning and Zoning Commission may require additional off-street parking spaces beyond the minimum, if it make a finding that there is good and sufficient reason to believe that additional parking will be needed to prevent improper parking on the premises or that there will be an overflow of parked vehicles onto adjacent streets that will result in traffic and safety problems. In certain instances where off-street parking is limited by size or shape of the development site, the City Council may count on-street parking toward the minimum parking requirements, provided that this accommodation will not negatively affect the use and enjoyment of adjacent and nearby property.

2. Parking Lot Setbacks. The following minimum setbacks from property lines shall be observed in the design and development of off-street parking lots.

10 feet --- from Highway 44 R.O.W.
8 feet --- from all other streets
8 feet --- from property line when commercial use abuts a residential use or undeveloped land in a residential zone
5 feet --- from all other common lot lines

3. All surface truck parking and unloading areas shall be located on the rear one-half (1/2) of the lot.

4. All parking lots shall be designed and oriented so that there is adequate drive aisle width to facilitate the maneuvering of tracks, vans and full-sized vehicles in and out of the parking spaces. No parking space shall be designed to require a vehicle to back into a street right of way.

5. Required parking spaces shall have a minimum size of nine (9) feet by eighteen (18) feet, exclusive of access drives, drive aisles or ramps. The length of the parking stall may be reduced to sixteen and one-half (16 ½), including wheel stops, if an additional one and one-half (1 ½) feet is provided for the overhang of the bumper.

6. Surface parking lots shall conform to the landscaping and screening requirements set forth in Section 165B.17. Parking lot lights shall conform to the outdoor lighting requirements set forth in Section 165B.14.

165B.17 LANDSCAPING AND SCREENING. The landscaping and screening requirements are intended to reduce the effects of wind, heat, noise, glare of vehicle headlights, and to decrease storm water runoff, to conserve property values and facilitate a convenient, attractive and harmonious community, to improve the appearance of surface parking lots and to generally preserve a healthful and pleasant environment in the Transportation Corridor Mixed Use Development Overlay District. To that end the following landscaping and screening regulations are established for this overlay district:

1. Landscaping and Screening Adjacent to Residentially Zoned Property. In any commercial base zoning district a buffer strip a minimum of five (5) feet wide shall be maintained along any common lot line that abuts residentially zoned property. The width of the buffer strip shall be increased to eight (8) feet, if there is a parking lot adjacent to the residentially zoned property. Within this buffer strip the following landscaping and/or screening requirements shall apply:

A. A barrier shall be created within the buffer strip to effectively screen the commercial property from the residential property. This barrier may take the form of a fence, masonry wall or opaque hedge, which shall be a minimum of six (6) feet in height. The height of the barrier shall be reduced to an appropriate height where it is necessary to preserve sight visibility for driveway approaches and other similar situations. If a fence or wall is used to provide the barrier, the fence or wall should be placed adjacent to the common lot line.

B. When a wall or fence is used to provide the barrier, the remaining ground surface of the buffer strip area shall be planted with grass, other vegetative ground cover or low shrubs. One over-story tree shall be planted in the buffer strip for every forty (40) lineal feet along the common lot line. The trees may be evenly spaced or grouped for maximum effect. If an opaque hedge is used to provide the barrier the remaining ground surface, exclusive of the area directly beneath the hedge canopy shall be planted in grass or vegetative ground cover. Mulch may be used at the base of shrubs only or around the base of the trees.

2. Parking Lot Landscaping. All parking lot setback areas shall be landscaped in the following manner:

A. All parking lot setback areas along interior side and rear lot lines shall be planted with a combination of grass or vegetative ground cover, shrubs and trees. One over-story tree is required for every forty (40) lineal feet along the perimeter of parking lot where it abuts the setback area. In designing the landscape plan for this setback area, consideration shall be given to obscuring the glare of headlights from adjacent and nearby property. To that end an opaque fence may be used in lieu of shrubs to obscure the headlight glare from adjacent property.

In the case where the parking lot is located in a commercial zoning district and the property abuts a residential zoning district, the buffer strip landscaping requirements in Subsection 1 above shall prevail.

B. On the perimeter(s) of the lot adjacent to public right-of-ways, a strip of land of at least eight (8) feet in depth located between the right-of-way and the off-street parking or other vehicular use areas shall be landscaped to include one (1) tree for every forty (40) feet or fraction thereof. Such trees shall be located between the abutting right-of-way and the off-street parking or other vehicular use areas and shall be planted singularly or grouped in a planting area of at least twenty-five (25) square feet. In addition, a hedge, wall, earth berm, or other durable landscape barrier a minimum of three (3) feet in height shall be placed along the perimeter of such landscape strip. If said barrier consists of non-living material, one (1) shrub shall be planted every ten (10) feet and abutting the barrier. The remainder of the required landscape strip shall be planted with grass, ground cover or other landscape material, exclusive of paving. The planting of trees is not required along Highway 44 in order to preserve sight visibility and to avoid interference with street lighting.

C. Interior landscaping is required in any parking lot containing fifty (50) or more parking spaces. One landscaped island is required for the first fifty (50) parking spaces and an additional island shall be required for each additional twenty five (25) parking spaces. The landscaped island shall be at a minimum of nine (9) feet wide and eighteen (18) feet long and shall include grass or vegetative ground cover and an over-story tree. A landscaped median shall be required for every three (3) contiguous double loaded parking aisles. The median shall run the full length of the drive aisle and shall be a minimum of nine (9) feet wide. A

minimum of one over-story tree shall be planted per forty (40) lineal feet of median, and the remainder of the island shall be planted with grass or vegetative cover.

3. Foundation Plantings. Foundation plantings, including deciduous and coniferous shrubs, and perennials, shall be planted along the fronts and sides of commercial, governmental, and institutional buildings and multiple dwellings.

4. Mulch. Mulch, including bark, river rock, lava rock, crushed brick and other similar materials may be used under shrubs and at the base of trees to retain moisture and control the growth of weeds, however, it shall not be used in lieu of grass or other vegetative ground cover when such materials are required landscaping materials.

5. Landscape Plans. A landscape plan shall be submitted with the application for site plan approval. It shall contain at a minimum the following information: (a) a site plan, showing the location of all plant materials; and (b) a list of all plant materials, including the plant species, plant size, mature size, and number to be planted. The landscape plan shall be approved as part of the site plan approval process.

165B.18 SIGNS. The general sign regulations in Section 165.18 of the Zoning Ordinance and the specific sign regulations found in each of the base zoning districts in the Zoning Ordinance shall apply with the following exceptions, limitations, restrictions and prohibitions:

1. 'C-1' General Commercial Signs.

A. Exterior signs located on the street frontage of principal buildings shall refer only to a use or uses located within such building, and attached or integral thereto, provided that:

(1) Such exterior building wall signs attached to the building face do not have an aggregate surface area larger than five percent (5%) of the total surface area of the building elevation, except that on building elevations under one thousand (1,000) square feet each sign shall not be larger than seven and one-half percent (7.5%) of the total surface area of the building elevation upon which it is placed. Regardless of size each establishment in the principal building may utilize a minimum sign size of twenty (20) square feet.

(2) Signs that project out from the building more than eighteen (18) inches must be twelve (12) feet above grade, may project a maximum of five (5) feet from the building face, and shall not exceed twelve (12) square feet in size.

(3) No sign shall project above the roof line or parapet.

B. Ground mounted, monument signs, and free-standing pole or post signs shall not be permitted.

2. 'C-2' General and Highway Service Commercial Signs.

A. Exterior signs located on the street frontage of principal buildings shall refer to a use or uses located within such building, attached or integral thereto, provided that:

(1) Exterior building wall signs attached to the building face do not have an aggregate surface area in excess of ten percent (10%) of the total surface area of the building elevation to which it is attached.

(2) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade, may project a maximum of six (6) feet and shall not exceed twenty (20) square feet in size.

(3) No sign shall project above the roof line or parapet.

B. One ground mounted, monument sign may be erected in any yard abutting Highway 44 or any other public street, provide it meets the following requirements:

(1) It shall refer only to the use or uses conducted on the premises, however a message board or price panel may be incorporated as part of the sign design;

(2) The maximum monument structure size, including the sign face, shall not exceed eight (8) feet in height and twelve (12) feet in width. The maximum height shall be measured from the top of curb in front of sign;

(3) A maximum of two sign faces shall be permitted, and the monument structure shall be placed perpendicular to the abutting street or highway;

(4) The monument structure shall be designed to incorporate the same materials used on the street side of the exterior building face of the principal building on the premises;

(5) Monument signs shall be placed a minimum of ten (10) feet from the right-of-way line from Little Beaver Drive East to James Street. Monument signs at all other locations may be placed zero (0) feet from the right-of-way line. Signs shall not encroach into the 'visibility triangle' for corner lots or driveway accesses. Signs shall not be placed in Public Utility Easements. In addition the location of the monument sign shall be adjusted, if necessary, to increase sight visibility for motorists, bicyclists and pedestrians;

(6) Ground mounted monument signs may be back lighted or ground mount up-lighting may be used. If ground mounted up-lighting is used it shall be adjusted so that it lights only the sign face, and glare from the ground mounted lighting does not cause glare onto adjacent and nearby streets or onto adjacent or nearby property.

C. Post signs are not permitted.

3. 'C-3' Planned Commercial. The sign regulations for the 'C-2' General and Highway Service Commercial above shall apply, except that one monument sign may be located on the primary street frontage and a second monument sign may be allowed on a secondary street frontage. The monument sign on the secondary street frontage shall be at least twenty five percent (25%) smaller than the monument sign on the primary street frontage.

4. Approvals. The application for sign permit shall be submitted along with the submittal for site plan approval, whenever a site is being developed or redeveloped.

<u>165B.19 WAIVER OF REQUIREMENTS.</u> Any one or more of the requirements set forth in the Chapter 165B may be waived by the City Council, after consideration by the Planning and Zoning Commission. Any person seeking a waiver under this Section shall submit a written application for the waiver to the City detailing the reasons for the waiver. In addition, the requirements in this Chapter do not apply to any areas zoned R-4 (Planned Unit Development District).