



**AGENDA  
CITY OF CEDAR FALLS, IOWA  
PLANNING AND ZONING WORK SESSION  
WEDNESDAY, MARCH 17, 2021  
5:30 PM AT CITY HALL VIA VIDEO CONFERENCE**

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**The meeting will be accessible via video conference and the public may access/observe the meeting in the following ways:**

- a) By dialing the phone number +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 and when prompted, enter the meeting ID (access code) 886 2008 9534.
- b) iPhone one-tap: +13126266799,,88620089534# or +19292056099,,88620089534#
- c) Join via smartphone or computer using this link: <https://us02web.zoom.us/j/88620089534>.

**Call to Order**

**Discussion Topics - Proposed Downtown Zoning Code**

1. Commission Discussion and General Questions
2. Building Functions
3. Administrative Procedures
4. Questions and Comments

**Adjournment**



**OUR CEDAR FALLS**

*Downtown*  
**Imagine the possibilities!**

## Cedar Falls Downtown Zoning Code Update

Use Category Descriptions and  
Use Definitions

Public Review Draft

March 12, 2021

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## Section 26-132: Use-Specific Standards

When reference is made to a group of zone districts, the following individual districts shall be included:

District Groupings Used in this Section	
Residential	R-1SU, R-1, R-2, R-3, R-4, R-5, R-P
Mixed-Use	MU
Commercial	S-1, C-1, C-2, C3, MPC, BR, PO-1, HWY-1, PC-2
Character District Frontage Designations	Downtown General, Downtown General 2, Downtown Shopfront, Neighborhood Middle, Neighborhood Small
Industrial	M-1, M-2, M-1-P, M-2-P
Overlay	HCG, CHN, HWY-20
Public	P
Agricultural	A1

### (a) Use Classification Organization and Interpretation

#### (1) Organization

- a. Land uses are assigned to the use category that most closely describes the nature of the principal use. Some categories are further divided into subcategories.
- b. A number of the most common uses are listed under the "Examples" subsection for each use category. The examples are generic and may be used in the process of interpreting new uses. Example lists are not exhaustive.
- c. In some cases, developments may have more than one principal use.
  1. When all of the principal uses of a development fall within one use category, then the entire development is assigned to that use category. All uses are subject to any applicable use-specific standards.
  2. When the principal uses of a development fall within different use categories, each principal use is classified into the applicable use category and each use is subject to all applicable regulations for the use category.
  3. A use that is otherwise not permitted in a district may not be included as one of multiple principal uses through interpretation. For example, if colleges and universities are not permitted in a residential district, that district may not be interpreted to allow both residences and colleges as multiple principal uses.
- d. Developments may have one or more accessory uses or structures.
  1. A list of accessory uses commonly associated with a particular use category is included under a paragraph entitled, "Accessory Uses and Structures." The examples are generic and may be used in the process of interpreting new

uses. Accessory uses are subject to all applicable regulations. Example lists are not exhaustive.

2. Uses are categorized as accessory or principal as determined by the circumstances of the use on the site. A cafeteria may be an accessory use to a principal industrial use, while a restaurant may be a principal use.
- e. Prohibited uses: Some uses are prohibited in individual zone districts, as noted in that district.
- f. Excluded uses: Some of the use categories may contain excluded uses. These are uses that may seem to be part of a particular category, but which are explicitly classified into a different use category.

## **(2) Use-Specific Standards**

- a. All uses shall comply with any applicable use-specific standards.
- b. Uses located in character districts shall comply with the applicable site and structure standards of that district.
- c. When a use is changed on a property, the new use shall comply with all applicable use-specific and site-specific standards. Changing from one use category or use subcategory to another is considered a change of use.

## **(3) Classification**

- a. For uses not listed as examples, the Zoning Administrator shall consider the following list of factors when classifying a use into a particular category, and/or to determine whether the activities constitute principal uses or accessory uses:
  1. How closely the use matches the description of the use category, as stated in Section 26-132(b);
  2. The intensity of the activity or use in comparison to the stated characteristics of a use category and list of examples;
  3. Conformance with the currently adopted comprehensive plan and purpose of the zoning district in which the use is proposed;
  4. Types of vehicles, equipment and/or processes to be used;
  5. The amount of site or floor area and equipment devoted to the use or activity;
  6. The hours of operation;
  7. How the use advertises itself;
  8. Number of employees, visitors, or customers generated;
  9. Parking demands associated with the use; and
  10. Special public utility requirements for serving the proposed use type, including, but not limited to, electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any

significant power structures or infrastructure and communications towers or facilities;

11. Whether the use or activity would be likely to be found independent of the other activities on the site;
  12. Whether a use is subordinate in area, extent, or purpose to the principal building or use served;
  13. Whether the use contributes to the comfort, convenience, or necessity of occupants, customers, or employees of a principal use;
  14. Any other relevant evidence regarding use or activity that would help to classify a particular land use.
- b. If, based on the criteria identified above, the Zoning Administrator determines that a use can reasonably be determined to be similar to more than one use or category of uses, the Zoning Administrator in consultation with the Zoning Review Committee or other appropriate city staff shall select the use category that provides the most exact, narrowest, and appropriate fit.
- c. The following categories of uses typically impose substantial impacts on a site, adjacent sites and structures, pedestrians or cyclists, the road network, or public infrastructure. Where a new use, not listed as an example, is proposed that might be categorized into one of these categories, the applicant shall file an application for text amendment to determine if the use will be permitted. Through this process, the City will have the opportunity to review and determine the impacts of the proposed use and establish any prescribed conditions that may be appropriate to allowing the use.
1. Agricultural Uses
  2. Industrial Services
  3. Manufacturing, Processing, and Assembly
  4. Waste and Salvage
- d. Determination of Non-Similarity
1. The Zoning Administrator may determine that a proposed use is not substantially similar to any use identified in Section 26-197 or Table 26-231.1 because either:
    - (i) The potential impacts of the use are significantly more impactful on the site, street, or neighborhood, than other permitted uses in the same use category and that the use would not otherwise be permitted without prescribed conditions or through a public review process, or
    - (ii) There are no similar uses permitted on the site or in the applicable zone district.

2. When this is the case, the Zoning Administrator shall provide the applicant with a written determination of non-similarity within 15 business days of the request for interpretation.
- e. In cases of dispute, the Zoning Administrator shall issue a zoning determination letter and the proposed use shall comply with any conditions and review procedures that may apply to that use. Such determinations may be appealed to the Board of Adjustment. If an appeal is made, the Board of Adjustment shall determine whether the City has made an error in classifying the subject use based on the facts in evidence and the factors listed in paragraph a. above.
- f. Post-Decision Actions
  1. A Zoning Administrator's written determination regarding classification may be appealed to the Board of Adjustment, or
  2. An applicant may apply for a zoning code text amendment.

## ***(b) Use Classification Category Descriptions***

### **(1) Residential Uses**

- a. General Description: Residential uses offering habitation of a dwelling on a continuous basis. The continuous basis is established by tenancy with a minimum term of one month or habitation by the property owner.
- b. Use Categories
  1. **Household Living:** This use category is characterized by residential occupancy of a dwelling unit by one or more persons living together as a single housekeeping unit. A household typically includes four or fewer adults. Each dwelling unit contains its own facilities for living, sleeping, cooking and eating meals. Uses where tenancy may be arranged for a period of less than one month are not considered residential, they are considered to be a form of transient lodging. Household living also include group homes, which is a category of household living that receives equal treatment with single-household residential living pursuant to Iowa and federal law.
    - (i) Sub-categories
      - (a) Group Homes, as defined by Iowa law: elder family homes, elder group homes, and family care homes. Large group care facilities that provide housing for nine or more individuals are considered Group Living Uses.
      - (b) Single-unit dwellings, detached: A residential building containing one principal dwelling unit. Each unit is located on a separate, legal lot, except for cottages within a cottage court, as defined and regulated within a character district. Examples include detached houses, zero

- lot line dwellings, cottages, and manufactured homes,<sup>1</sup> provided the manufactured home complies with the district standards and has been converted to real property and taxed as a site-built dwelling.
- (c) Single-unit dwellings, attached: A residential building containing more than one principal dwelling unit, with each dwelling unit sharing one or more common walls with at least one other dwelling unit, no unit is located above another unit, and each unit is located on a separate, legal lot. Examples include townhome/rowhouse, and bi-attached dwellings.
  - (d) Two-unit dwellings (also called duplexes): A residential building containing two principal dwelling units located on one lot.
  - (e) Multi-unit dwellings: A residential building containing three or more principal dwelling units located on one lot. Examples include apartment buildings, condominium buildings, rowhouse/townhome configurations with multiple side-by-side dwelling units on one lot.
  - (f) Dwelling(s) in Mixed-Use Structure: A building, or portion of a building, which contains one or more dwelling units in addition to commercial or other non-household living uses. Examples include apartments and condominiums.
- (ii) Accessory Uses and Structures: bed and breakfast establishments, storage buildings, accessory dwelling units, residential vehicle parking, home occupations, child care home.
2. **Group Living:** This use type is characterized by residential occupancy of a dwelling or associated group of dwellings by a group of people who do not meet the definition of "Household Living". The size of the group residing in the structure is typically larger in size than a single household. Group Living Uses contain individual rooming units with private or shared bathroom facilities and may also contain shared kitchen facilities and/or common dining and meeting areas for residents. The residents may or may not receive any combination of care, training, or treatment, but those receiving such services must reside at the site. Alternatives to incarceration, such as halfway houses, where residents are placed in the facility by court order and are under supervision of the Department of Corrections, are excluded from this category and classified as Detention Facilities.
- (i) Sub-categories
    - (a) Assisted group living: nursing and convalescent homes, assisted living communities; group care facility.
    - (b) Hospice home.
    - (c) Independent group living: rooming or boarding houses.
    - (d) Fraternal group living: fraternities, sororities, monasteries, convents.

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<sup>1</sup> Drafting note: discuss including permissible minimum unit width; compare with provisions in factory-built housing section and update both as needed.



- (ii) Accessory Uses and Structures: Recreational facilities, meeting rooms, offices, storage facilities, food preparation and dining facilities.

## (2) Civic and Institutional Uses

- a. General Description: Civic and Institutional Uses are public, quasi-public, and private non-profit uses that provide unique services that are of benefit to the public at-large.
- b. Use Categories
  - 1. **Civic and Cultural Assembly and Service:** Civic and cultural assembly and service uses are permanent places where persons regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly.
    - (i) Sub-categories:
      - (a) Community Assembly: Places of community assembly, such as libraries, museums, community centers, senior centers, and recreation centers that are open and available to the general public.
      - (b) Human or neighborhood services: Uses that provide non-commercial activities or support services to individuals or groups that are not otherwise defined by this code. Examples include food pantries, literacy and language instruction, counseling and therapy, and other human service agencies. Social service agencies that consist primarily of office and counseling functions and operate in a similar fashion to other office uses are classified as Office.
      - (c) Emergency Shelter: facilities providing emergency temporary shelter operated by a public or nonprofit agency, such as homeless shelters.
      - (d) Religious/Private Group Assembly: Private, non-profit membership organizations that provide meeting space and facilities for their members. Examples include religious institutions and civic and social organizations such as private lodges, clubs, fraternal organizations, and similar private, non-commercial membership organizations.
    - (ii) Accessory uses and structures: Non-commercial recreation, food preparation and dining facilities; maintenance/storage buildings; living quarters for clergy; columbarium; accessory daycare facilities; offices; parking
  - 2. **College and University:** Public or private colleges, universities, business, or technical colleges that offer courses of general or specialized study leading to a formal degree and requiring at least a high school diploma or equivalent general academic training for admission. These uses tend to be in campus-like settings or on multiple blocks. Non-degree granting business, technical, trade, martial arts, music, dance, and drama schools/studios are excluded from this category and classified as Specialized Educational Facilities.
    - (i) Subcategories:

- (a) Private: Private colleges, universities, professional, and technical schools.
  - (b) Public: Colleges, universities, and professional schools that are under state jurisdiction.
- (ii) Accessory Uses and Structures: offices; housing for students; food service; laboratories; health and sports facilities; theaters; meeting areas; parking; maintenance facilities.
- 3. **Day Care:** A non-residential facility that provides less than 24-hour-per-day care or supervision for children and adults according to Iowa statutory requirements. Examples: childcare center, adult daycare center; preschools and latch key programs not accessory to an Educational Facility Use or other principal use. In-home daycare services, which are determined to be accessory to a principal Household Living Use, are not included in this principal use category.
- 4. **Educational Facilities:** An educational institution that satisfies the compulsory education laws of the State of Iowa for students in the elementary grades, middle school grades, or high school grades, respectively; and schools for specialized activities, such as dance, music, martial arts, business, and technical skills. Business and technical colleges that offer degree programs in campus-like settings are excluded from this category and classified as College and University, Private.
  - (i) Subcategories:
    - (a) General Educational Facilities: This definition includes both public schools and private, non-boarding schools that have a curriculum similar to that in the permitted public schools.
    - (b) Specialized Educational Facilities: Schools primarily engaged in offering specialized trade, business, or commercial courses, but not academic training. Also specialized nondegree-granting schools, such as music schools, dramatic schools, dance studios, martial arts studios, language schools and civil service and other short-term examination preparatory schools.
  - (ii) Accessory Uses and Structures: Play areas, cafeterias, recreational and sport facilities, auditoriums, preschools, and before- or after-school day care.
- 5. **Detention Facilities and Community Service:** Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by the Department of Corrections, except when on an approved leave. This category also includes alternatives to incarceration, such as halfway houses, where residents or inmates are placed by and remain under the supervision of the courts.
  - (i) Examples:

- (a) Prison, jail, probation center, juvenile detention home, halfway house for current offenders.
    - (b) Work release: Facilities participating in a work release, or similar programs from a state institution, and under the supervision of a court, state or local agency.
  - (ii) Accessory uses: Offices, recreational and health facilities, therapy facilities, maintenance facilities, hobby and manufacturing activities.
6. **Government and Public Safety Services:** This is a use type for locations and structures that provide a place for the regular transaction of governmental business. This category does not include utilities or industrial-scale public facilities. Examples: Public safety facilities, governmental offices, storage areas and yards, fleet storage, and service areas.
7. **Health Care Facilities:** Larger health care facilities, particularly licensed public or private institutions, that provide principal health services, medical care, emergency care, and surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Smaller standalone medical and dental clinics and mental health counseling offices are classified as Office uses.
- (i) Examples:
    - (a) Hospital, hospice center, surgicenter.
    - (b) Treatment facility: A health care facility providing either or both inpatient or outpatient therapy for substance abuse, mental illness, or other behavioral problems.
  - (ii) Accessory uses: laboratories, outpatient, or training facilities, and parking, other amenities primarily for the use of facility employees.
8. **Non-Commercial Recreation and Open Space:** This use type includes uses that focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. These lands tend to have few structures.
- (i) Examples: Passive and active recreation, parks, playgrounds, community gardens, public squares, cemeteries, conservation lands.
  - (ii) Accessory uses and structures: Clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking for cars and RVs as permitted by the City.

### (3) Commercial Uses

- a. General Description: Commercial uses include any retail, consumer service, or office use.
- b. Use Categories

1. **Amusement and Recreation:** This use type includes a broad array of commercial establishments, divided into indoor and outdoor categories, which operate or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons and the community. Restaurants and bars that provide live entertainment in addition to the sale of food and beverages, are excluded from this classification and categorized as Eating and Drinking Establishments.
  - (i) Sub-categories:
    - (a) Adult Business: Any amusement or entertainment establishment, bookstore, massage establishment, motion picture theater, video rental or sales establishment, or other similar use, in which 25% of more of its floor area is customarily not open to the public generally but only to one or more classes of the public excluding any minor by reason of age under Chapter 728, obscenity, Code of Iowa, as amended.
    - (b) Indoor: movie theaters and live theaters; video arcades; pool halls.
    - (c) Outdoor: drive-in movie theater; amusement park or theme park; fairgrounds; miniature golf establishments; golf driving ranges; water slides; and batting cages.
2. **Animal Sales and Services:** This use category groups uses related to animal care, sales, and provision of supplies. Some uses, such as kennels, runs, and outdoor play spaces may not be permitted as principal or accessory outdoor facilities where they are incompatible with adjacent uses.
  - (i) Subcategories
    - (a) Indoor: Pet stores, dog bathing and clipping salons, pet grooming shops, pet clinics, animal hospitals
    - (b) Outdoor: Boarding (kennels and stables), any animal sales and service use that includes outdoor runs and/or play areas.
  - (ii) Accessory Uses and Structures: Indoor and outdoor kennels and runs.
3. **Commercial Assembly:** Commercial assembly is that category of uses that are designed or used primarily for small or large group assembly or meeting. As a principal use, commercial assembly is located in a permanent structure. Temporary commercial assembly, such as a theater in the park event, is regulated separately. Restaurants and bars that provide live entertainment in addition to the sale of food and beverages, are excluded from this classification and categorized as Eating and Drinking Establishments. Examples: Uses include convention centers, concert halls, banquet facilities, stadiums, arenas, skating rinks (ice or roller), wedding venues, and.
4. **Eating and Drinking Establishment:** This is a use category for businesses that prepare or serve food or beverages intended for immediate consumption on or off the premises.

- (i) Examples: Restaurants and bars.
  - (ii) Accessory uses and structures: Production of specialty foods or beverages primarily for on-site consumption, such as baking, coffee roasting, and craft brewing; food preparation areas, outdoor seating, offices, and parking.
5. **Financial Services:** Facilities that have as their principal purpose the custody, loan, exchange or issue of money, the extension of credit and the transmission of funds.
- (i) Sub-categories:
    - (a) Financial institution: Establishments engaged in deposit banking. Banks and financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.
    - (b) Alternative financial services: The use of a site for the provision of alternative financial services such as vehicle title loans, check cashing, payday advance/payday loan, or money transfer, including: check cashing business, payday advance/loan business, money transfer business, vehicle title loan business.
  - (ii) Accessory uses and structures: drive-in/drive-through facilities, automatic teller machines, parking.
    - (a)
6. **Heavy Commercial:** This use category includes businesses that have a size, functional use, or site difference from other types of commercial that makes the use generally incompatible with residential uses, such as uses that have large outdoor storage and display areas, such as lumber yards and landscape nurseries; or uses that involve frequent interaction with freight trucking or activities that produce excessive noise, dust, or odor. Commercial uses that involve both manufacturing or production and retail sales belong in this category where the work activities or storage take place outside or in large indoor facilities. .
- (i) Subcategories:
    - (a) Heavy Retail and Commercial Services: Uses that typically include large areas of outdoor storage, work areas, or display, such as lumber yards, garden and landscaping centers, farm supply and implement sales, RV and camper sales. Trailers and commercial containers mounted on wheels are not accepted structures for outdoor storage unless such trailers and commercial containers remain movable and are regularly moved to and from work sites as part of the principal use of the property. Storage of wrecked or inoperable vehicle(s) is excluded from this category and classified as Waste and Salvage.

- (b) **Self-Service Storage:** Real property designed and used for the purpose of renting or leasing individual storage space to tenants with access to such spaces for the purpose of storing and removing personal property. All storage of goods and materials under this definition shall occur within a completely enclosed structure. The leasing of space outdoors for storage shall be defined as outdoor storage.
  - (ii) **Accessory Uses:** office, outdoor storage, retail and wholesale sales, parking.
- 7. **Lodging:** Uses in this use type provide customers with temporary housing for an agreed upon term of less than 30 consecutive days; any use where temporary housing is offered to the public for compensation and is open to transient guests.
  - (i) **Examples:** Hotels, motels, bed and breakfast inns, short-term rentals, and RV parks.
  - (ii) **Accessory uses and structures:** food preparation and service, offices, meeting space.
- 8. **Office:** This type includes uses where people are engaged primarily in on-site administrative, business, or professional activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals.
  - (i) **Examples:** Real estate, insurance, medical offices and clinics, urgent care facilities, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. This category may also include laboratory services that are conducted entirely within an office-type setting.
  - (ii) **Accessory uses and structures** may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- 9. **Parking, Commercial:** A use type that distinguishes principal commercial parking facilities from accessory parking.
- 10. **Retail Sales and Services:** This is a use type for businesses involved in the sale, lease, or rental of new or used products to the general public at retail, along with the provision of commercial and personal services. Also includes cottage industries, as defined below.
  - (i) **Subcategories:**
    - (a) **Commercial Services:** uses that provide services for consumers or businesses, such as copy services, catering, laundromats, dry cleaners, tailors, photographic studios; and uses that provide repair

and maintenance of consumer goods, such as office equipment, appliances, bicycles, shoes, and similar.

- (b) Retail sales: Stores selling or leasing a wide variety of consumer, home, and business goods, including convenience food store, drug store, grocery store, clothing store, hardware store, general merchandise store, furniture store, and stores that sell gifts and specialty goods.
  - (c) Personal services: Establishments engaged in providing services related to personal care and grooming, such as hair salon, exercise facilities, spa, tanning salon, tattooing, piercing, and body art. Also includes mortuaries and funeral homes.
  - (d) Cottage Industry: A firm that manufactures, fabricates, creates, or assembles goods for on-site sales to the general public for personal or household consumption. The goods may also be sold at wholesale to other outlets or firms, but on-site, retail sales is a significant component of the operation. Such uses operate on a small scale, in keeping with the surrounding neighborhood, with little impact in terms of noise, and no discernible impact in terms of vibration, dust, or odor. Examples: artisanal fabrication of craft or custom home goods, furniture, or other products; artist studios; small-scale food or beverage production (such as a microbrewery, bakery, or confectionery).
- (ii) Accessory uses and structures: offices; parking; indoor or outdoor storage and display of goods.
11. **Consumer Vehicle and Equipment Sales and Services:** This use type includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related consumer equipment. This use category is intended for the regulation of personal vehicles; Large vehicles and heavy equipment are regulated in the Industrial and Construction Services use category.
- (i) Subcategories
    - (a) Vehicle Sales: Sales, lease, or rental of personal vehicles, including automobiles, motorcycles, pick-up trucks, and incidental maintenance services and auto parts sales associated with such uses.
    - (b) Quick Vehicle Servicing: Direct services for motor vehicles where the driver generally waits in the car or on-site before and while the service is performed. The facility may include a drive-through area where the service is performed. Examples include gas stations and car washes.
    - (c) Vehicle Repair: Establishments providing repair and servicing of passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.



Generally, the customer does not wait at the site while the service or repair is being performed. Examples include: vehicle repair shops; auto body shops; transmission and muffler shops; alignment shops; auto upholstery shops; auto detailing services; tire sales and mounting.

(ii) Accessory uses and structures: Storage, offices, parking.

#### (4) Industrial Uses

- a. General Description: This is a use category including uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, and also including the design, storage, packaging, shipping and distribution, and handling of these products and the materials from which they are produced.
- b. Use Categories
  1. **Industrial and Construction Services:** This use type is characterized by companies that are engaged in the repair or servicing of heavy machinery, equipment, products, or by-products, or the provision of heavy services including construction or contracting. Examples include contractor facilities, yards, and pre-assembly yards; welding shops; machine shops; towing and vehicle storage; service and repair of medium and heavy trucks; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; may include schools for the industrial trades if activities and facilities are similar to other uses in this category. Junkyards and auto salvage are not included in this category but are categorized as Waste or Salvage. Accessory uses and structures: Sales, offices, parking, and storage yards.
  2. **Industrial Manufacturing, Assembly, or Processing:** Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. This category is divided into light and heavy manufacturing based on the potential external impacts (noise, smell, heat, vibration) of the use and the extent to which outdoor production or storage is required. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished, and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory use and structures include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters.
  3. **Natural Resource Extraction:** This use type includes removal of resources from the ground. Example: mining, oil and gas extraction



4. **Wholesale Sales:** This use type includes facilities used for the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. These uses often include on-site sales staff for order taking, and may include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
5. **Warehousing and Distribution:** Firms involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Typical uses include storage warehouses, distribution centers, moving and storage firms, trucking or cartage operations, truck staging or storage areas. Human occupancy is limited to that required to transport, arrange, and maintain stored materials.
  - (i) Examples: Warehouses for furniture and appliance stores; household moving and general freight storage; cold storage plants; major wholesale distribution centers; truck and air freight terminals; railroad switching yards; bus and railcar storage lots; taxi fleet parking and dispatch; fleet parking parcel services; major postal sorting and distribution facilities; grain terminals; and the stockpiling of sand, gravel, and other aggregate materials. This use does not include the storage of goods incidental to a different principal use on the same lot, which is considered an accessory use.
  - (ii) Accessory uses and structures: offices, parking, outdoor storage.
6. **Waste and Salvage:** This is a use category for uses that collect, store, process, or sell waste or salvage materials, or collect and process recyclable material, for the purpose of marketing or reusing the material in the manufacturing of new, reused, or reconstituted products.
  - (i) Examples: refuse hauling facility, salvage yard, recycling collection and processing facility; sanitary landfills; waste composting facilities; waste transfer stations; portable sanitary collection equipment storage and pumping; and hazardous waste collection sites.

## **(5) Transportation, Utilities, and Communication**

- a. General Description: This use group includes providers and uses that provide public and quasi-public services to individuals and the community in the following categories.
- b. Use Categories
  1. **Alternative Energy Production:** This is a use category that includes energy produced from resources that are regenerative, such as wind and solar energy.

2. **Transportation:** This is a use category that includes uses involving public and private modes of transportation.
  - (i) Examples: bus terminal (but not individual bus stops), train terminal, airport, heliport, park and ride lot.
3. **Utilities and Public Facilities:** This use type includes structures and locations for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity. Utility uses may or may not have regular employees at the site and the services may be public or privately provided.
  - (i) Example: Utilities, major: Infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities, railroad infrastructure, and electric generation plants.
  - (ii) Example: Utilities, minor: Infrastructure services that do not have substantial impacts on surrounding areas or are otherwise necessarily distributed throughout the community to aid in the operation, distribution, collection, conveyance, transmission, storage or other necessary aspect of a public or private utility service. Typical uses include electric substations, pump or lift stations, water towers, electric or control vaults or cabinets, and other similar equipment or structures necessary for the operation of any public or franchised private utility or service.
4. **Wireless Communication Facilities:** This use type includes structures, locations, and equipment for the transmission of voice, data, image, video, or other electronic programming.

## (6) Agricultural Uses

- a. General Description: This is a category of uses characterized by active and on-going agricultural uses, activities, and related uses. An agricultural use, in general, means the use of land for the growing and production of field crops, livestock, aquatic, and animal products for the production of income. Other agricultural uses might include fruit and vegetable stands, livestock sales, wholesale nurseries, and stables. Lands in agricultural uses and districts may also be held for preservation and conservation purposes. The sale or service of agricultural products and equipment included in similar commercial use categories.
- b. Use Categories
  1. **Agricultural Cultivation:** Uses in this category are characterized by the cultivation of plants for consumption or commercial sale. Products may

include, but are not limited to, vegetables, grains, fruits, plants, sod, trees, and other similar products.

(i) Sub-categories

(a) General Crop Farms: examples include truck farming; grain farming; tree farms; fruit, nut, and berry farms; and wineries.

(b) Community gardens: A parcel of land where members of the community have access to individual garden plots for the cultivation of fruits, flowers, vegetables, or ornamental plants.

(c) Plant Nursery: A parcel of land used to raise plants, shrubs, trees, and other horticultural and floricultural products, conducted within or without an enclosed building.

(ii) Accessory Uses and Structures: farm dwelling; greenhouse, retail sales, office, parking; indoor and outdoor storage, machine shed and other farm outbuildings

2. **Animal Agriculture:** Uses in this category are characterized by the commercial breeding, raising, and/or keeping of fish, livestock, and/or any type of fowl for sale or use of the animal, their products, or byproducts. Accessory uses and structures: Farm dwelling, offices, indoor and outdoor storage, machine sheds and other farm outbuildings; feedlots; pasture.
3. **Agricultural Infrastructure Facilities:** Uses in this category support agricultural production, including: including grain elevators, commercial feed outlets, farm supply stores, truck and animal weigh stations, and agricultural chemical or fuel bulk and storage facilities.



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Cedar Falls Downtown Zoning Code  
Update  
Proposed Administrative Procedures

Public Review Draft

March 11, 2021

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Amend **Sec. 26-2. – Definitions**, as follows:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied." All terms that define or name a City department or City office title also include the phrase "or designee."

**SEC. 26-36 ADMINISTRATIVE DETERMINATION**

**(A) APPLICABILITY**

The Zoning Administrator shall review and decide upon applications for the following administrative reviews and code adjustments in consultation with the Zoning Review Committee(ZRC) and/or the staff Technical Review Committee, as applicable. Some of these processes have additional review and approval requirements; a cross-reference to those requirements is provided in the right column.

Permit or Adjustment	Additional Review Requirements
Site Plan	Section 26-37.D
Proportionate Compliance	n/a
Minor Adjustment	Section 26-39.E

**(B) APPLICATION**

- (1) Applications shall not be processed until all materials have been submitted and are deemed sufficient in form and content such that recommendations, as required, and a decision may be made on the application by the Zoning Administrator, or other decision-making body, as specified in this chapter. The Zoning Administrator shall determine application sufficiency.
- (2) If an application is deemed insufficient, the Zoning Administrator shall inform the applicant of the specific submittal requirements that have not been met. The Zoning Administrator may provide notice in writing, electronically, or in conversation with the applicant.
- (3) If an application is deemed insufficient, the applicant must resolve and resubmit the materials required to complete the application within 30 days of the date informed of the insufficiency of the application.
  - a. An insufficient application that has not been revised to meet the completeness requirements shall expire on the 30<sup>th</sup> day. An expired application shall be returned to the applicant along with any original documents submitted in support of the application.
  - b. The City, at its discretion, may retain the application fee paid. Once an application has expired, the application must be resubmitted in full, including application fee.

**(C) REVIEW, REFERRAL, AND RECOMMENDATION**

- (1) Upon submission of an application, the Zoning Administrator shall review the application and accompanying documentation to determine whether the information included in the application is sufficient to evaluate the application against the approval criteria of the procedure or permit requested.
- (2) The Zoning Administrator may refer any application to the Zoning Review Committee (ZRC) or Technical Review Committee (TRC) for review and recommendation.

**(D) REVIEW AND DECISION-MAKING**

- (1) The Zoning Administrator shall review the application for conformance with all applicable provisions of this chapter.
- (2) To be approved, an application shall be fully consistent with the standards of this chapter unless a minor adjustment is concurrently approved to allow specified deviation from applicable standards. An administrative approval may include instructions and clarifications regarding compliance with this Code, but shall not be approved with conditions that require action beyond the specific requirements of the City Code of Ordinances.
- (3) The Zoning Administrator shall approve or deny the application and provide written notification of the decision to the applicant. If an application is denied, the written notification shall include the reasons for denial.

**(E) APPEAL**

Administrative determinations are appealable pursuant to Section 26-62.

**SEC. 26-37 SITE PLAN****(A) APPLICABILITY**

The purpose of this section is to set forth the procedures and criteria for review and approval of site plans. Site plans are technical documents that illustrate how the structure(s), layout of an area, and proposed uses meet the requirements of this chapter and any other applicable ordinances, standards, regulations, and with all previously approved plans applicable to the property.

**(B) AUTHORITY**

A site plan is required for:

**(1) Character Districts**

- a. Any application for development in a character district.
- b. All requests for structures, architectural elements or accessory structures (front porch, front yard fence) at or forward of the required building line, and accessory or temporary uses; however, for minor accessory structures not located forward of the required building line, such as sheds, fences, or decks, the site plan shall only be required to show the location of the proposed structure or addition in relation to property boundaries, required setbacks, easements, and terrain changes as more fully detailed in this Code;

**(2) Traditional Zone Districts**

- a. Any application for a commercial, industrial, institutional, or multi-unit dwelling project;
- b. Any application for development requiring site plan review as set forth elsewhere in this chapter.

**(C) APPLICATION PROCEDURES**

- (1) A pre-application meeting with the Zoning Review Committee (ZRC) is required prior to the submission of a site plan application for development in a character district. Pre-application meetings are optional and encouraged for all other applications.
- (2) The applicant shall submit the site plan application to the Planning and Community Services Division. Application submittal deadlines and requirements shall be



established on submittal forms available from the Planning and Community Services Division and on the City's website.

**(D) DECISION CRITERIA**

The site plan shall be reviewed against the following criteria:

- (1) The site plan is consistent with all applicable adopted plans and policies;
- (2) The site plan is consistent with any prior approvals, including any conditions that may have been placed on such approvals; and
- (3) The site plan conforms with all applicable requirements of the Code of Ordinances, or with all applicable requirements as modified by a request for a minor adjustment.

**(E) LIMITATION OF APPROVAL**

Zoning Administrator approval of a site plan does not in any way imply approval by any other City department.

**(F) EFFECT**

- (1) Approved site plans shall be binding upon the property owner(s) and their successors and assigns.
- (2) No permit shall be issued for any building, structure, or use that does not conform to an approved site plan.
- (3) No building, structure, use or other element of the approved site plan shall be modified without amending the site plan, unless it is determined by the City that such modification will not require an amended site plan.
- (4) All buildings, structures and uses shall remain in conformance with the approved site plan or be subject to enforcement action.

**(G) POST-APPROVAL ACTIONS**

**(1) Expiration**

- a. Approved site plans shall expire one year after approval if a building permit has not been issued, or the approved use established. In the event that the documents expire due to the passage of this time period, new site plan review documents must be submitted for approval in the same manner as an original application for development review.
- b. An extension not to exceed one year may be granted by the Zoning Administrator.

**(2) Modifications to Site plans**

The holder of an approved site plan may request an adjustment to the document, or the conditions of approval, by submitting either an application for minor adjustment or an amended site plan, whichever is appropriate, to the Zoning Administrator. An amended site plan shall be filed and processed in accordance with the procedures for an initial site plan submittal.

**SEC. 26-38 PROPORTIONATE COMPLIANCE**

**(A) APPLICABILITY**

**(1) Purpose**

To encourage redevelopment, continuing property investment, and infill development, it may be necessary to determine site appropriate adjustments to applicable development standards that will allow the development to take place while applying

proportional development standards. This section identifies the process for determining specific site compliance with a proportionate standard.

**(2) No New or Increased Noncompliance**

Any redevelopment of a structure or site shall be designed to either increase conformance with this Code or, at a minimum, not increase an existing nonconformity. Redevelopment shall not establish new nonconformity(ies) with this Code, regardless of the applicability of this section.

**(3) Development Standards in Character Districts**

A request for proportionate compliance is limited to Character District development standards listed in Table 26-38.1.

**(4) Required Parking**

The standards of Sec. 26-196, Character District Parking and Loading, shall apply for any new use, change of use, or expansion of a current use within a Character District, and are not subject to adjustment through proportionate compliance.

**(B) CALCULATING PROPORTIONATE COMPLIANCE**

- (1) Requests for proportionate compliance shall be made through Section 26-37, Site Plan.
- (2) Proportionate compliance for standards applicable to a specific development or structure type may be requested for development changes listed in Table 26-38.1 according to Section 26-38(E), below.
  - a. Standards that must be fully complied with are marked with an /X/.
  - b. Standards that will be applied to the maximum extent practicable based on a site-specific determination are marked with an /S/.
- (3) Applicants shall clearly label all requested adjustments and identify the applicable standard in this section that allows the proposed adjustment.

Table 26-38.1: Proportionate Compliance

ALL FRONTAGE TYPES	BUILDING FORM STANDARDS									ARCHITECTURAL STANDARDS			PUBLIC REALM STANDARDS	
	Placement: Required Building Line	Placement: Buildable Area	Placement: Parking Setback Line	Height: Minimum/Maximum	Elements: Fenestration	Elements: Façade Projections	Uses	Neighborhood Manners	Materials	Configurations	Signs	ROW Frontage Area	Dooryard	
Key: X = compliance with standard is required S = site-specific determination														
<b>Full Compliance: Entire Structure Must Comply with Standards</b>														
New Construction	X	X	X	Both	X	X	X	X	X	X	X	X	X	
Expansion of Building Area														
For buildings < 2000 sf GFA, an expansion > 75%	X	X	X	Both	X	X	X	X	X	X	X	X	X	
For buildings ≥2000 sf GFA, an expansion > 66%	X	X	X	Both	X	X	X	X	X	X	X	X	X	
New, Expanded, or Relocated Parking Area			X											
<b>Changes with No Building Expansion</b>														
Change of use							X				X [3]			
Façade changes [1]					X	X			X	X	X [3]			
<b>Expansion of Building Area (GFA) for Buildings &lt; 2000 sf</b>														
Minimal Change: 0 to 40%		X	X	Max			X	X	X			X	S	
Proportionate Change: 41% to 75% [2]		X	X	Max	X		X	X	X			X	X	
Façade Changes [1]					X	X			X	X	X [3]			
<b>Expansion of Building Area (GFA) for Building 2000 sf or more</b>														
Minimal Change: 0 to 20%		X	X	Max			X	X	X			X	S	
Proportionate Change: 21 to 66% [2]		X	X	Max	X		X	X	X			X	X	
Façade Changes [1]					X	X			X	X	X [3]			
Expansion of Parking Area			X					X						

[1] Major façade changes (as defined in Section 26-62(E)(3)) will trigger compliance with the standards marked in this row.

[2] Expansion area shall comply with identified development standards.

Table 26-38.1: Proportionate Compliance

ALL FRONTAGE TYPES	BUILDING FORM STANDARDS										ARCHITECTURAL STANDARDS			PUBLIC REALM STANDARDS	
	Placement: Required Building Line	Placement: Buildable Area	Placement: Parking Setback Line	Height: Minimum/Maximum	Elements: Fenestration	Elements: Façade Projections	Uses	Neighborhood Manners	Materials	Configurations	Signs	ROW Frontage Area	Dooryard		
	Key: X = compliance with standard is required S = site-specific determination														
[3] Where a use or façade change results in new signage, changes to a sign structure, relocation of an existing sign, or changes to the sign area of an existing sign.															

**(C) MEASURING REQUIRED COMPLIANCE****(1) New Development**

New development shall comply fully with the applicable development standards.

**(2) Façade Changes:**

Where development changes are limited to the façade of a structure, the following standards shall apply:

- a. Maintenance or Minimal Change: Normal maintenance and façade changes that do not qualify as major changes shall not be required to comply with the qualified development standards. Individual façade element changes shall be made in compliance with applicable Elements and Architectural development standards applicable to that individual element to the maximum extent possible.
- b. Major Façade Changes: Façade changes that include any of the following are considered major changes and the façade shall be brought into full compliance with the Elements and Architectural development standards:
  1. Removing or changing architectural detailing that is consistent with and integral to the style and period of the building;
  2. Changing or adding architectural detailing that is inconsistent with the standards of this Code;
  3. Change to more than 50% of the surface area of the façade, measured by including all openings such as doors and windows;
  4. Altering, closing, or covering windows, doors, or transoms; or
  5. Any roof or wall structure reframing, including adding fenestration.

**(3) Redevelopment:**

- a. Minimal Change. Redevelopment that changes or increases the total gross floor area of a structure within the range identified in Table 26-38.1, as determined by the building permit application, shall comply with the standards identified in Row A as applicable to development with minimal change.
- b. Proportionate Change. Redevelopment that changes or increases the total gross floor area of a structure within the range identified in Table 26-38.1, as determined by the building permit application, shall comply with the standards identified in Row B as applicable to development with proportionate change.
- c. Full Compliance. Redevelopment that changes or increases the total gross floor area of a structure within the range identified in Table 26-38.1, as determined by the building permit application, shall be required to fully comply with these standards.
- d. Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.

**(4) Expansion of Parking Area**

Expansion of a parking area is defined as the addition of any parking spaces or the restriping or reconfiguration of more than 50% of the surface area of an existing parking area.

**(D) TEN-YEAR TIMEFRAME**

Any application by property owners to expand or replace part of an existing structure shall remain on record for 10 years from the date of work completion. Any subsequent application to expand or replace part of an existing structure shall be cumulative to any requests made within the previous 10 years. The total shall be used by the City to determine the property owner's necessary level of compliance.

**SEC. 26-39 MINOR ADJUSTMENTS FOR DEVELOPMENT IN CHARACTER DISTRICTS****(A) APPLICABILITY**

- (1) A minor adjustment allows the modification of an existing numeric dimensional standard in a character district to accommodate:
  - a. Anticipatory site-specific issues, or
  - b. Minor construction issues.
- (2) Minor adjustments are applicable to new development, redevelopment, and major façade changes.
- (3) A minor adjustment may be requested either as part of an original application or as a modification to an existing approval.

**(B) PROCEDURES****(1) Application**

Applications for minor adjustments shall be submitted on forms required by the City. Supporting materials must be submitted as specified on the application form.

**(2) Specific Procedures**

All applications for minor adjustment shall identify the specific issue that the minor adjustment is intended to address and how the minor adjustment will resolve that issue:

- a. A request for minor adjustment prior to issuance of a building permit shall be submitted with the project site plan application.
- b. A request for minor adjustment to address a minor construction issue shall be submitted with the approved project site plan, a written description of the minor construction issue, and an amended drawing of that part of the site for which the minor adjustment is requested.

**(C) PERMITTED TYPE AND SCOPE OF MINOR ADJUSTMENTS****(1) Specific Building Form Standards**

The Zoning Administrator, after consulting with the ZRC, may grant minor adjustments as necessary up to the following maximum adjustments:

- a. Height

1. Minimum and maximum height - up to 5% for any cumulative increase or decrease in building height.
  2. Street wall/fence requirements – up to 10%.
  3. Finished ground floor elevation – up to 5%; upper floor elevation(s) shall be adjusted accordingly.
  4. Finished ground floor elevation, flood hazard area – minor adjustments to finished ground floor elevation requirements necessary to meet lowest floor elevation requirements according to the applicable floodplain regulations. Upper floor elevation(s) shall be adjusted accordingly. The Zoning Administrator does not have the authority to issue permits for special exceptions or variances to flood hazard regulations.
  5. When the finished ground floor elevation is not subject to adjustment, upper floor finished elevation(s) may be adjusted up to one foot.
- b. Placement
1. Required building line (RBL) – adjust forward up to 6 inches; may not encroach into the public right-of-way.
  2. Required building line minimum percentage built-to – reduction of up to 5% of required length.
  3. Parking setback line – move forward up to 6 feet; provided, the parking setback line remains separated at least 20 feet from the RBL.
  4. Mezzanine floor area – up to 10% additional area.
  5. Street wall requirements – up to 10% of the height/fenestration/access gate requirements.
  6. Entrances (maximum average spacing) – up to 10% increase in spacing.
- c. Elements
1. Fenestration (minimum and maximum percent) – up to 5%.
  2. Other elements (minimum and maximum projections) – up to 5%.
- (2) Section 26-194, Approval of Equivalent or Better Synthetic Materials**
- a. Reflecting that the technology and production of building materials is constantly changing, an applicant may request that a material be added to the applicable approved materials list, provided:
    1. The material is not included in the applicable prohibited materials list; and
    2. The proposed material is similar to a permitted material and is equal to or better than the permitted material in terms of quality, maintenance, and durability as shown by the manufacturer's specifications and industry studies. For example, a new generation of cementitious fiber siding may be substituted for wood clapboard siding.
  - b. The Zoning Administrator shall maintain a list of approved materials. Materials included on the approved list may be used for later projects without further ZRC review.

**(3) Section 26-193.1.A.6 Non-Alley Curb Cut**

If vehicular access to a rear alley or private rear drive is not available, an applicant may request a minor adjustment to permit driveway access directly from a public street. Shared access or cross access with abutting lots may be required and any driveway spacing requirements shall apply. The width and location of the driveway access point shall be determined by the Zoning Administrator, after consulting with the ZRC and the City Engineer. The pavement width forward of the Parking Setback Line shall be 18 feet or less.

**(D) DECISION CRITERIA**

The ZRC shall consider the following provisions in making a determination on a minor adjustment request. When the minor adjustment is sought prior to the issuance of a building permit, the application must meet all five criteria in Sections (E)(1) and (E)(2). When a minor adjustment is sought to address a minor construction issue, the application only needs to comply with the criteria in Section (E)(2).

**(1) Anticipatory Site-Specific Issues Only**

- a. The proposed structure or site feature is permitted in the character district.
- b. The minor adjustment allows development that is consistent or compatible with the intent and purpose of the Character District and the regulation modified.
- c. The impact of the minor adjustment is internal to the subject property and will not impede the normal and orderly development or improvement of adjacent properties.

**(2) Anticipatory Site-Specific Issues and Minor Construction Issues**

- a. There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and/or location that make it practically difficult to meet the standard or requirement.
- b. The minor adjustment is necessary to permit the applicant the same ability to use the property that is enjoyed under this Code by other properties in the vicinity and Character District, but which are limited or denied to the subject property based on the applicability of the regulation sought to be adjusted.

**(E) REVIEW AND DECISION-MAKING**

Minor adjustments are processed as an administrative review decided by the Zoning Administrator upon consultation with the ZRC.