

ORDINANCE NO. 23-07

AN ORDINANCE AMENDING CHAPTER 180.06 OF THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS RELATED TO CONDITIONAL USE PERMIT STANDARDS FOR APPROVAL

WHEREAS, the City of Windsor Heights seeks to promote the public health, safety, general welfare, and aesthetics of the community through consistent, content- neutral and nondiscriminatory code requirements within its city limits; and

WHEREAS, the Planning and Zoning Commission reviewed Chapter 180.06 and proposed changes and recommended approval of the same; and

WHEREAS, the City Council of the City of Windsor Heights do hereby find and declare that the amendments to Chapter 180.06 are necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:

SECTION 1. Purpose. The purpose of this ordinance is to amend Chapters 180.06 as follows.

SECTION 2. Amended. 180.06 STANDARDS FOR APPROVAL.

1. The Board of Adjustment shall review the proposed development for conformance to the following Standards of Approval:

A. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.

B. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

C. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

D. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this ordinance, and adequate service entrances and areas.

Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

E. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

F. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

2. The request shall be approved if the Board of Adjustment finds that the proposed development meets all Standards of Approval.

3. The request shall be denied if the Board of Adjustment finds a strong probability that any of the following with regards to the proposed development:

a. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or

b. Impair an adequate supply (including quality) of light and air to surrounding property, or

c. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or

d. Diminish or impair established property values on adjoining or surrounding property, or

e. Not be in accord with the intent, purpose and spirit of the zoning ordinance or comprehensive plan.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed and Approved this Day of 2023.

1st Reading: October 2, 2023

2nd Reading: October 16, 2023

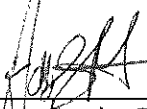
3rd Reading: November 6, 2023

Publish Date: November 13, 2023

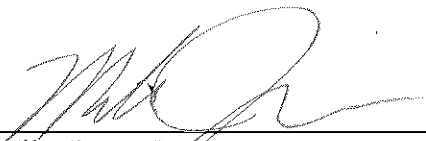
(SEAL)



ATTEST:



Adam Strait, City Clerk



Mike Jones, Mayor