



**CLIVE BOARD OF
ADJUSTMENT**
AGENDA, REGULAR MEETING
1900 NW 114th Street
October 21, 2025 5:30 PM

This meeting will be conducted in-person in the Council Chambers and virtually via Zoom platform. To participate virtually use the following link:

<https://us06web.zoom.us/j/81878042406>

Call to Order

Roll Call

Approval of Meeting Minutes

1. Approve Meeting Minutes 09/16/2025

Cases

1. Case# BOA25-000002: 2555 Berkshire Parkway — Shaw Spine and Sport

Staff Report

Adjournment

CLIVE BOARD OF ADJUSTMENT MEETING MINUTES

Regular Session

September 16, 2025

This meeting was held in the City Hall Council Chambers. Public access was provided in-person at City Hall and via Zoom. Information on how to access via Zoom was provided on the city's website and on the agenda. The recording of the meeting is available on the city's website at:

https://www.cityofclive.com/boards_and_commissions/board_of_adjustment.php

FORTE CALLED THE MEETING TO ORDER AT 5:30 P.M.

**PRESENT: TERRY BROWN, ROSIE FITZGERALD, NATHAN
BORLAND, ROBERT FORTE**

ABSENT: PATRICIA HEMPHILL

STAFF: GRUTZMACHER, PURVIS, RIVERA

Amanda Grutzmacher introduced the new board member, Nathan Borland.

Election of Officers

MOTION WAS MADE BY BROWN, SECONDED BY BORLAND to reelect Robert Forte as Chairman and Rosie Fitzgerald as Vice-Chairman

VOTE: YES – UNANIMOUS

Approval of July 15, 2025 meeting minutes

MOTION WAS MADE BY BROWN, SECONDED BY BORLAND to approve the July 15, 2025 meeting minutes

VOTE: YES – UNANIMOUS

Amanda Grutzmacher conducted training for the Board.

Being no further business before the Board, the meeting was adjourned at 6:56 pm.



Memo

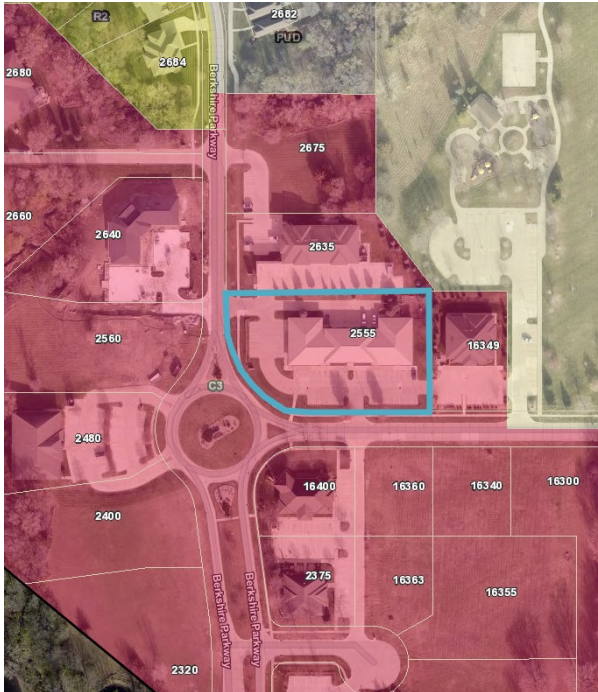
TO: Board of Adjustment members
FROM: Kathryn Purvis, Planner

DATE: October 21, 2025
RE: Case# BOA25-000002: 2555 Berkshire Parkway — Shaw Spine and Sport

SYNOPSIS:

GENERAL INFORMATION

Applicant: FastSigns on behalf of Shaw Spine and Sport
 Requested Action: Allow a building mounted capsule sign to exceed the 25% maximum of installed building sign area.
 Variance to Section: 11-12-6(3) Letters, Symbols, and Logos
 Location: 2555 Berkshire Parkway, Suite F



Location and Zoning Map

LAND USES & ZONING			
Location	Existing Land Use	Land Use Plan Designation	Current Zoning
Subject Property	Professional Office	Commercial Employment	C-3 Planned Office Park Commercial Development

North	Professional Office City Park	Commercial Employment Open Space	C-3 Planned Office Park Commercial Development R-1 Single-Family
East	Professional Office	Commercial Employment	C-3 Planned Office Park Commercial Development
South	Professional Office	Commercial Employment	C-3 Planned Office Park Commercial Development
West	Professional Office	Commercial Employment	C-3 Planned Office Park Commercial Development

RELEVANT CASE HISTORY		
Case	Address	Summary
23-1055	8807 University Ave	Rally House: building mounted signs exceeding more than 100 total square feet (denied)
20-1004	15250 Hickman Rd	Variance for additional building sign area (granted)
19-1011	2000 NW 100th St	Variance for additional building sign area and construction type (denied)
11-1028	2100 NW 100th St	Variance for additional building signs (denied)
11-1019	10320 Hickman Rd	Variance for additional building sign or reduced column size on monument sign (denied)

BACKGROUND

The building was originally constructed in 2001 as a multi-tenant office space with a pediatric care anchor tenant. Shaw Spine and Sport, a chiropractic office, moved in to Suite F in approximately September 2013, and remains a tenant of that space.

FastSigns, on behalf of Shaw Spine and Sport, submitted a sign permit in February 2025 to replace the existing building-mounted sign that had been permitted and installed in 2013. Staff sent back a response asking for the design to be addressed to limit the amount of capsule style (predominantly flat front with vinyl overlay) from 75% to the allowed maximum of 25%, a requirement that did not exist prior to the 2018 Sign Code revisions. Staff and FastSigns had several email and phone correspondences to

clarify the problem and identify available solutions including: resizing the individual channel letters or logo to bring the capsule-style signage to a lower percentage of total installed signage, adjusting the style of signage to increase the percentage of individual or dimensional aspects, or mounting the logo internally to the building where it is not under the sign restrictions.

In May of 2025, staff noticed the sign was installed as the original proposed style and without a permit and once again reached out to FastSigns to rectify the situation. Staff continued to work with the FastSigns on a solution, advising that July 30th was the cut off for updated plans that corrected the violation. FastSigns missed the deadline and staff instead received a call from FastSigns client, Shaw Spine and Sport. Staff brought the representative for Shaw Spine and Sport up to speed to the conversations had between staff and FastSigns and forwarded those communications to Shaw Spine and Sport. Currently, Shaw Spine and Sport has removed the logo from the building, but has not received an approved sign permit for the remaining signage. FastSigns on behalf of Shaw Spine and Sport has brought forward a variance request to allow the sign to be approved and installed as proposed in the SGN25-000006 permit application that was denied.

ANALYSIS

Variances are designed to grant relief from the Ordinance, which, if strictly imposed, would deny a property owner reasonable use of the land and would therefore create undue hardship. Applicants are required to prove that a hardship exists by demonstrating that the overall integrity of the area will not be diminished, a reasonable use cannot be made, the situation is unique, and the hardship is not self-imposed.

In most cases, the zoning ordinance allows for 1.5 square footage of signage per linear foot of frontage up to 100 square feet. The Shaw Spine and Sport tenant space is approximately 33 linear feet, meaning the proposed signage has the ability to be up to 49.5 square feet in size. The proposed size of the signage is allowed; however, the style of the sign is not in conformance with the sign regulations.

- **Section 11-12-6(1)(A) states:** One and a half square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of 100 square feet.
- **Section 11-12-6(3) states:** All building signs shall be principally comprised of individual channel letters or similar solid construction letters, at least one inch in thickness. Push through, routed letters, and dimensional letters on backer boards, provided they are internally illuminated, shall be permitted. **For the purpose of displaying letters, symbols, or logos, no more than 25 percent of the total sign area may be allotted to an awning or capsule sign.**
- **Section 11-2-1(19)(M) states:** "Sign, capsule" means a sign fabricated from metal, aluminum, or some other material with a face constructed out of a panel product."
- The City's Design Standards updated in 2024 further defines "total sign area" as the installed sign area, and that capsule sign styles can be known as different names such as cloud channel and can style.

The previously installed sign was permitted in 2013 and approximately 9.02 square feet.

The previous sign included a small pill under the individual letters as a capsule sign; there was no logo as part of the previous sign. The sign that was installed without a permit is approximately 8.93 square feet, including the logo, and a capsule style sign equating to approximately 75% of total installed signage.

The subject property and suite have had various other building signs installed in a range of sizes. Previous sign installations have ranged in size from approximately 4.92 square feet (LiveWell Clinic, formerly Suite F) to 32.4 square feet (Waggoner Pediatrics). To staff's knowledge, all signs have been proposed and installed in the architectural EFIS band just below the roofline, where Shaw Spine and Sport installed their signage. The architectural band could support a larger sign.

Practical Difficulty

The standards for dimensional variances were updated in 2025 in conformance with state legislative changes. With respect to a dimensional variance, the applicant must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

- The applicant states that the practical difficulty is that the "business will not be able to have the logo on the building for their business, which could cause a decline in foot traffic and expose blemishes on the walls from past signage. With the area of the building limiting the layout and the amount of signage that can be used" and that "Due to the small area of the building where the signage can go, there is not enough space to make the letters larger, so the logo is less than 25%. The logo is now just barely visible from the road. Making it smaller would render it useless."
- The applicant states that the practical difficulty is not self-imposed as "The area of the building where the signage goes can only fit a max amount of signage of 24 inches tall and 96 inches wide. It would make the "Shaw Spine and Sport" have oddly shaped letters due to the size of the area on the building for signage. Making the signage smaller will limit the visibility for the customers to see when driving by with the amount of space that the building can support."

Staff calls attention to the fact that the identified space given by the applicant equates to approximately 16 square feet, nearly double the size of the proposed sign.

Public Interest and Neighborhood Integrity

When considering the granting of a variance, it is always important to consider the implied precedent that may be established by granting said variance.

- The applicant states the public interest is protected as "The business will be able to have their logo on the building and will draw more business. It will not result in injury since the way they are installed is that they are stud mounted to the wall and no piece weighs more than a pound or two"

Staff does not believe that the sign is injurious to the neighborhood integrity or public interest as it is a minimal size of sign. However, it does stand to set a precedent to exceed the amount of capsule signage on every commercial building sign, which may make the Board of Adjustment the wrong place to address the issue. The 25% maximum on capsule-style signs is consistent across the city. In the last 2 years, Staff has documented approximately 33% of submitted building signs requiring a redesign based on the capsule requirement. However, this is the first formal variance request where the main issue is to deviate from the 25%.

Spirit of the Ordinance

It is the intent of the Ordinance to create a uniform standard for developments within the City. With respect to signage, it is the spirit of the zoning ordinance to ensure that all commercial businesses in the City of Clive have a reasonably equal opportunity to advertise their business through the use of signage (ground mounted, building mounted, and temporary).

The applicant states that the request is consistent with the spirit and intent of the zoning ordinance and comprehensive plan as "The letters are 1 inch pvc stud mounted to the wall signage area with the pill and logo being smaller. and everything is within the allowed square foot amount."

Other Available Options

Other available options for the applicant include:

1. increasing the size of the individual letters so that the "capsule" components are only 25% of the total installed signage
2. decreasing the size of the logo to be within 25% of the installed signage and not removing the existing capsule sign under the individual letters
3. installing individual letters in place of the "Chiropractic | Rehab | Performance" capsule and adjusting the logo to be within 25% of the total installed signage
4. moving the logo in its current size to an interior space such as a window or entryway where the regulations for building mounted signs would not affect its design.
5. install illuminated channel letters onto the panels of the logo and capsule

PUBLIC COMMENT

Notice was sent to the surrounding property owners within 310-feet of the subject site on October 7, 2025. To date, staff has received general inquiries, as well as one letter in support of the sign from an adjacent commercial property owner.

SUMMARY

The applicant is requesting approval of a variance to Section 11-12-6(3) to allow for capsule signage to exceed the maximum allowed 25% of total installed sign area.

Additionally, please be aware that any decision made by the board of adjustment shall not be deemed effective until reviewed and accepted by the City Council at the next regularly scheduled meeting.

Attachments:

1. 2555 Berkshire- Meeting Notification Letter
2. 2555 Berkshire BOA public notice
3. 2555 Berkshire Pkwy Correspondence- Pajazetovic
4. 2555 Berkshire Denied Permit
5. Shaw Spine and Sport Sign Detail
6. Sign Permit #13-6281 - Shaw Chiropractic
7. 2555 Berkshire correspondence between Staff and FastSigns and Shaw Spine and Sport
8. Section 11-12-6
9. Clive Definitions- Chapter 11 Section 2
10. Clive Development Standards Manual-sign chapter
11. 2555 Berkshire BOA Decision and Order



October 07, 2025

Re: 2555 BERKSHIRE PKWY - Shaw Spine and Sport building sign variance

Dear Property Owner:

FastSigns and Shaw Spine and Sport have petitioned the City of Clive to review a Variance Permit related to signage. The request includes one non-illuminated sign on the building facade facing Berkshire Parkway. The sign is proposed to include a capsule or logo in a size that exceeds what is allowed within the City of Clive Code of Ordinances.

The Clive Board of Adjustment will receive public input on this application during their meeting at 5:30 p.m., Oct 21, 2025, in the City Council Chambers, 1900 NW 114th Street, Clive. You may attend this meeting in person at the address above, or virtually via Zoom. Zoom Meeting ID and call-in number will be published on the agenda for the meeting. Meeting agendas are available on the City's meetign portal at <https://cliveia.portal.civicclerk.com/>.

As a neighboring property owner, you are being notified and invited to present your views concerning this application, either verbally by attending the meeting, or in writing. Written comments must be received by the City prior to the Board of Adjustment meeting. Written comments should be addressed to the City of Clive, City Planner, 1900 NW 114th ST, Clive IA 50325 or by email at the address below

If you know of any interested parties who have not received a copy of this letter, we would appreciate it if you would inform them of the time, date and place of the Board of Adjustment meeting. If you have any questions concerning this application or if you would like additional information, please call the Community Development Department at (515) 223-6221.

Sincerely,

A handwritten signature in dark ink that reads "Kathryn Purvis".

Kathryn Purvis

KPURVIS@CITYOFCLIVE.COM

LOCATION MAP



DISCLAIMER: Please check that all spelling, sizes, and other specifications are correct before final approval. After customer approval all layouts will be produced as represented in this document. If changes are required, please request them prior to approval.

FASTSIG
1400



Qty: 1
PVC 1in

IC2DM LLC
115 IOWA AVE
IOWA CITY, IA 52240

NC INVESTMENTS, LLC
400 BAYHILL CIR
NORTH SIOUX CITY, SD 57049-5092

BERKSHIRE OFFICE, LLC
4701 121ST ST
URBANDALE, IA 50323

COVENANT GROUP, LLC
2635 BERKSHIRE PKWY STE 202
CLIVE, IA 50325

C & S COMMERCIAL, LLC
4704 154TH ST
URBANDALE, IA 50323

KRM CAPITAL, LLC
2680 BERKSHIRE PKWY STE 100
CLIVE, IA 50325

BERKSHIRE DENTAL
2375 BERKSHIRE PKWY
CLIVE, IA 50325

CITY OF CLIVE
1900 NW 114TH ST
CLIVE, IA 50325

PARK SIDE TOWNHOMES ASSOCIATION
1350 NW 138TH ST STE 500
CLIVE, IA 50325

GEROT, CARLA KAY
2684 BERKSHIRE PKWY
CLIVE, IA 50325

PAJAZETOVIC, JASMINA
225 NE DARTMOOR DR STE 300
WAUKEE, IA 50263

WEISSENBURGER REAL ESTATE LLC
16400 SHERIDAN AVE
CLIVE, IA 50325

2480 BERKSHIRE LLC
PO BOX 238
SPIRIT LAKE, IA 51560-0238

ADDA PROPERTIES LLC
14121 LAKEVIEW DR
CLIVE, IA 50325

TWO PEDS AND A POD LC
2555 BERKSHIRE PARKWAY
CLIVE, IA 50325

2555 Berkshire PKWY - Shaw Spine & Sport

From Jasmina Pajzetovic <jasmina@ivorylotustherapy.com>

Date Mon 10/13/2025 4:19 PM

To Kathryn Purvis <kpurvis@cityofclive.com>

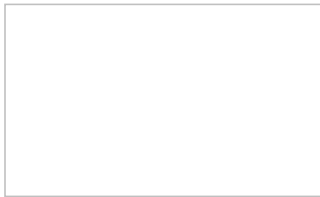
Warning: Unusual sender <jasmina@ivorylotustherapy.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Hello!

I wanted to reach out and state that I am in favor of Shaw Spine & Sport and their request for the non-illuminated sign! Let me know if I can do anything to help!

Warmly,



Jasmina Pajzetovic

LMHC, CCTP II, C-DBT

515-650-2454

www.ivorylotustherapy.com

225 NE Dartmoor Drive Suite 300 | Waukee | Iowa | 50263

2700 University Avenue Suite 308 | WDSM | Iowa | 50266



PERMIT PROJECT
 FILE #: 25-000216
 2555 BERKSHIRE PKWY CLIVE IA 50325
 SHAW SPINE AND SPORT



PERMIT #: SGN25-000006

Permit Type
 11 Sign Permit

Subtype
 Permanent Sign ▼

Work Description:
 Replacement PVC Signage

Applicant
 FastSigns - Christine Holmes ▼ ...

Status
 Denied ▼

Valuation
 0.00



FEES & PAYMENTS

Plan Check Fees 0.00

Permit Fees 30.00

Total Amount 30.00

Amount Paid 0.00

Balance Due 30.00

Non-Billable



PERMIT DATES

Application Date
 02/26/2025

Approval Date

Issue Date:

Expiration Date:

Close Date

08/28/2025

Last Inspection

CONTACTS

Is the Applicant also the Contractor? (new)

Yes



Enter the contractor business name or CR# below to find your registration. If you do not have a valid Contractor Registration, you will need to do so before submitting this application. Press Save for Later at the bottom of this application, you'll receive communication when your registration is approved.

Contractor Registration Lookup



Property Owner Information

Property Owner Name

Property Owner Phone

() -

Property Owner Email

Property Owner Contact - Internal



Property Manager Information

Property Manager Name

Property Manager Phone

() -

Property Manager Email

Property Manager Contact - Internal



Business Contact Information

Business Contact Name

Shaw Spine & Sport

Business Contact Phone

(636) 399-7042

Business Contact Email

abeljshaw@gmail.com

Business Contact - Internal



Project Contact Information

Is the project contact the same as the applicant?

No



Project Contact Name

Tate Muilenburg

Project Contact Email

tate.muilenburg@fastsigns.com

PROJECT INFORMATION

County



Is this sign for an existing business?

Yes



All new, expanding, and relocating businesses in Clive shall submit a Zoning Compliance Certification for review and approval prior to other permits being processed.

Number of Signs

01



SIGN 1

Type of Sign 1

Building Mounted Sign Panel Replacement



Linear feet of tenant building frontage is the length of the tenant space that faces the street, not the property frontage. If the tenant does not face a street, this is the length of the exterior tenant frontage with the main entrance. If it is a single tenant building, this is the length of the building that faces the street.

Linear feet of tenant building frontage

37

Sign area is calculated as the dimensions of the replacement sign panel.

Sign Area (square feet)

16.05

Panel Material

PVC

Include the sign artwork and all needed dimensions to confirm area calculations.

Sign design specification sheet

140086-01.jpg



Footing Inspection

ACKNOWLEDGEMENT

The project will not be reviewed unless all required information and documents are submitted.

***I acknowledge that I have read this application and attest that the information supplied is correct.**

Applicant Signature

signature.png



INTERNAL USE

Water Res Insp

Conditions



 FEES 

FEE	DE	QUANTITY	AMOUNT	TOTAL
Building Sign Panel Replacement 1				30.00
			Plan Check Fees	0.00
			Permit Fees	30.00
			Total Fees	30.00

 PAYMENTS  

DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT
				Amount Paid		0.00
				Balance Due		30.00

DISCLAIMER: Please check that all spelling, sizes, and other specifications are correct before final approval. After customer approval all layouts will be produced as represented in this document. If changes are required, please request them prior to approval.





CITY OF CLIVE
 1900 NW 114th Street
 Clive, IA 50325-7077
 Phone (515)223-6221
 Fax (515) 457-3091
 www.cityofclive.com

2012 APPLICATION FOR SIGN PERMIT

APPLICATION DATE <i>9.9.13</i>	PERMIT TYPE <i>Sign</i>	PIN <i>1226377003</i>
PERMIT NO. <i>13-6281</i>	DATE ISSUED <i>09/12/2013</i>	EXP. DATE <i>09/11/2014</i>
ZONING <i>C-3</i>	GROUP <i>N/A</i>	TYPE CONST <i>N/A</i>
LOT # <i>10</i>	SUBDIVISION <i>Berkshire Commons Office Park</i> <i>Plat 1</i>	

PROJECT INFORMATION

BUILDING ADDRESS/SUITE NO. (if applicable)
2555 BERKSHIRE PKWY

BUSINESS NAME
SHAW CHIROPRACTIC & SPORTS CTR

BUSINESS CONTACT/PHONE
ABEL SHAW

E-MAIL ADDRESS

OWNER NAME
ABEL SHAW

OWNER PHONE
515.987.6332

PERMIT FEES

Monument Sign	_____
Building Sign	<i>50</i>
Temporary Sign	_____
TOTAL	<i>50</i>

For planner only:
 Is electrical permit required for this project? Yes No

Provide dimensional and colored elevations of ALL proposed signs. Provide description, including material, color, message and means of securing to ground, if applicable. Indicate location and setbacks on sketch or site plan.

CONTRACTOR INFORMATION

COMPANY NAME
Eagle Sign Co.

ADDRESS
5130 Park AVE

CITY, STATE, ZIP
Des Moines, IA 50321

PHONE / E-MAIL ADDRESS
243-5663 / rich_thompson@eaglesign.net

PROJECT CONTACT
Rich Thompson

PERMITS AND INSPECTIONS

- Issuance of a permit based on plans, specifications and other data supplied by the applicant shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing construction operations from being carried on thereunder when in violation of the code or of any other ordinances of this jurisdiction.
- It shall be the duty of the person doing the work authorized by this permit to notify the Community Development Department that such work is ready for inspection. The department may require that every request for inspection be filed at least one working day before such inspection is desired.
- It shall be the duty of the person requesting any inspections required by this code to provide access and means for inspection of such work.
- Confirming that this project meets the restrictive covenants is the owner and/or contractor's responsibility!

MONUMENT SIGN

Setback from property line _____

Height, including sign base _____

Sign area (s.f.) _____

BUILDING SIGN

Lineal feet of building _____

or tenant space footage _____

Sign area (s.f.) *9.02*

TEMPORARY SIGN

Dates of display _____

Sign area (s.f.) _____

Approved ? **Approved with conditions (see below)**
 ? **Denied (see below)**

I hereby acknowledge that I have read this application and state that the information supplied with this application is correct and agree to comply with all city ordinances and state laws regulating building construction.

Richard Thompson
 Please print Owner or Authorized Agent's Name

Richard Thompson
 Signature of Owner or Authorized Agent

_____ Date

Ann Plattner
 Planner or Authorized Representative

9/11/13
 Date



Available space: 8'-6" W x 25.25" T

SHAW CHIROPRACTIC
 & SPORTS INJURY CENTER

7"
5"

9.02 sq. ft.



5130 PARK AVENUE
 DES MOINES, IA 50321
 515-243-5663 • FAX: 515-243-5313
 TOLL FREE: 800-307-8186
 www.eaglesign.net

NAME: Shaw Chiropractic & Sports Injury Center - Clive, IA

SKETCH #: 0813-14222-01 Shaw Chiropractic & Sports Injury Center

APPROVAL: X *[Signature]*

DATE: X 8/30/13

SCALE: 3/4" = 1' | DESIGNER: CH

REVISIONS:

THIS IS A CONCEPTUAL
 DRAWING. FINAL PRODUCT
 MAY VARY. THIS ARTWORK
 IS PROPERTY OF
 EAGLE SIGN CO. AND
 MAY NOT BE REPRODUCED

Signage code compliance - 2555 Berkshire Pkwy- update to signage

From Kathryn Purvis <kpurvis@cityofclive.com>
Date Fri 8/1/2025 4:02 PM
To Mark Mertens <mmertens@cityofclive.com>
Cc Amanda Grutzmacher <AGrutzmacher@cityofclive.com>

 1 attachment (3 KB)
City of Clive_ Planning Additional Info Needed (6).htm;

Good afternoon-

I've been working on this sign for a while now- what they have installed isn't permitted or to code. Based on a phone call I had with the owner earlier this week it sounds like this is new information to him. My guess is that it will be resolved without much pushing, but FastSigns has been dragging their feet on this since march.

I wasn't sure if you had a light touch compliance that might be applicable here as I don't think a full notice of violation is necessary now that the property owner is informed. Below is the thread of emails, attached is the original staff comment letter.

I've CC'd Amanda in case there's anything that comes through or needs to be done to assist.

thanks!

From: Kathryn Purvis <kpurvis@cityofclive.com>
Sent: Wednesday, July 30, 2025 10:42 AM
To: abeljshaw@gmail.com <abeljshaw@gmail.com>
Subject: Fw: 2555 Berkshire Pkwy- update to signage

Good Morning Abel,

Thank you for your call regarding the non-compliant sign that has been installed at your location. Below is the thread of correspondence between FastSigns and myself regarding this sign design since April of 2025. The original staff comment letter was sent March 6th, which I've attached for reference.

The code language impacting the design requires that:

1. Building signs be primarily constructed of individual letters
2. Where a can/cloud/capsule/ pill (panel) design is at play, only 25% of the installed sign square footage can be dedicated to that style
3. Dimensional lettering on a backerboard, routed or push through designs require internal illumination

The submission was identified as being deficient in the original staff correspondence, siting:

1. The logo and pill design were not within the allowable 25% calculation of the installed signage

Staff has recommended several alternatives below and was advised that FastSigns was working with you as their client to propose an alternative. In May, staff noticed the new signage had been installed and reached out again, providing additional information to address potential accommodations. When staff still did not receive a response by the beginning of this week we advised that if a proposal was not provided to address the non-conformity, we would have to forward the issue to our code compliance office.

If you have any questions, please let me know.

From: Tate Muilenburg <tate.muilenburg@fastsigns.com>
Sent: Monday, July 28, 2025 3:57 PM
To: Kathryn Purvis <kpurvis@cityofclive.com>
Subject: Re: 2555 Berkshire Pkwy- update to signage

Warning: Unusual sender <tate.muilenburg@fastsigns.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

O sorry I will get this submitted for you.

On Mon, Jul 28, 2025 at 2:12 PM Kathryn Purvis <kpurvis@cityofclive.com> wrote:

Good Afternoon-

I'm checking in, we still have not received updated drawings for this project. I will need those submitted to me by Wednesday July 30th, end of day, otherwise the permit application will be denied, and the non-conforming sign will be forwarded to code enforcement for official notice.

Please let me know if you have any questions

Kathryn Purvis
Planner | Community Development

From: Kathryn Purvis <kpurvis@cityofclive.com>
Sent: Friday, May 30, 2025 10:11 AM
To: Tate Muilenburg <tate.muilenburg@fastsigns.com>
Subject: Re: 2555 Berkshire Pkwy- update to signage

No worries Tate,

We don't require permits or regulate internally mounted signs at all, so they could have the logo installed inside their vestibule or window without worrying about size calculations.

If they go this route, just removing the logo, then I just need a new spec sheet showing it removed to attach to the permit for approval.

Thanks for the quick response!

From: Tate Muilenburg <tate.muilenburg@fastsigns.com>
Sent: Friday, May 30, 2025 10:07 AM
To: Kathryn Purvis <kpurvis@cityofclive.com>
Subject: Re: 2555 Berkshire Pkwy- update to signage

Warning: Unusual sender <tate.muilenburg@fastsigns.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Yes, I do apologize, I for some reason put up the logo before the permit was accepted. I am currently talking with the tenant about removing their logo and putting it somewhere inside there business instead of outside. What is the process for this? I'll get the logo removed as soon as possible. What's the process for this now?

On Fri, May 30, 2025 at 9:55 AM Kathryn Purvis <kpurvis@cityofclive.com> wrote:

Good morning just checking in on this -

We had an inspection at a location in the area and noticed that the signage has changed, curious if we have updated sign specs for what has been installed as we were actively working through the permitting process and it has not received approval yet.

Thanks

Kathryn Purvis
Planner | Community Development

From: Tate Muilenburg <tate.muilenburg@fastsigns.com>

Sent: Friday, April 18, 2025 3:08 PM

To: Kathryn Purvis <kpurvis@cityofclive.com>

Subject: Re: 2555 Berkshire Pkwy- update to signage

External sender <tate.muilenburg@fastsigns.com>

Make sure you trust this sender before taking any actions.

Ok, thanks for the clarification. very helpful! I'll work on this and get back to you. thank you

On Tue, Apr 15, 2025 at 8:58 AM Kathryn Purvis <kpurvis@cityofclive.com> wrote:

Yes to the pill, and if the pill is made to be individual letters, then the logo can be the same style as proposed, it just needs to be sized so that it's only 25% of the overall installed signage square footage as we consider it a capsule sign.

Keep in mind a raceway for those smaller letters is acceptable per code and would still consider them individual letters. The raceway just needs to be close to the wall color.

Once we start adding dimension to the capsule, it's considered a push thru, routed, or otherwise attached to a backer, and it then is required to be illuminated.

So, I'd worry less about dimension on the logo unless the client wants to look at lighting features, and focus on the individual letters for the "Chiropractic | Rehab | Performance" and getting the logo within the 25% measurement, which would be essentially proposing a logo half the size of what is currently proposed.

The way we would calculate that is as follows:

the individual letters -if the pill also becomes the 1" letter (75.33x10.32") - would be 5.34'

the logo if 1/2 the size proposed is approximately 1.78'.

Add both the logo and letters for a total signage measurement of 6.86'.

And 25% of the total signage (6.86') is 1.78' making the logo in conformance.

Or remove the logo and leave the current "Chiropractic | Rehab | Performance" pill and just replace the vinyl on it which I'd consider maintenance leaving the existing pill as permitted non-conforming until such a time as they remove it fully.

Kathryn Purvis

Planner | Community Development

From: Tate Muilenburg <tate.muilenburg@fastsigns.com>

Sent: Monday, April 14, 2025 4:25 PM

To: Kathryn Purvis <kpurvis@cityofclive.com>

Subject: Re: 2555 Berkshire Pkwy- update to signage

External sender <tate.muilenburg@fastsigns.com>

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ahh okay thank you, So I'll need to make it so the pill is no longer a pill and make those individual letters at a thickness of one inch. and the logo will either need to be taken down or made smaller and have some dimension to it.

On Thu, Apr 10, 2025 at 3:56 PM Kathryn Purvis <kpurvis@cityofclive.com> wrote:

Hi Tate-

Doing well, hopefully you are as well!

Essentially, yes, the logo and pill are the main issues with the proposal. The individual lettering "shaw spine and sport" is fine and meets code.

I've expanded the comments with more detail below to hopefully help with options.

The design of both the logo and pill are what we consider panel signs that are not generally permitted. The panel replacement permit is only applicable for ground mounted signs or the remaining building mounted sign cabinets with replaceable panels that do not require the cabinet structure to be removed from the building.

The logo is not a replacement, it's an addition to the existing signage. Which poses an issue, not with allowable total sign square footage, but with how much of the total signage installed can be dedicated to logos and capsule signs.

Building mounted signs can have logos or other small panels (similar to the Chiropractic | Rehab | Performance panel) as part of the overall sign - Clive's ordinance calls those "capsule" signs. Capsule signs shall comprise no more than 25% of the total installed sign area. The ordinance also allows for routed, push through, or other sign designs utilizing a backer; however, these types of signs are required to be illuminated. Only individual channel letters or solid construction letters with a minimum 1" thickness wouldn't need to be illuminated.

The sign ordinance has been amended since the current sign was permitted and the " Chiropractic | Rehab | Performance" panel no longer complies with the ordinance as it is more than 25% of the installed sign area. This sign can remain and the vinyl could be updated, but it could not be removed and replaced with a new, otherwise identical sign. The proposed logo also does not fall within 25% of the sign area as designed.

Let me know if you have further questions or ideas that you'd like to share and get Staff's guidance on.
Thanks!

Kathryn Purvis
Planner | Community Development

From: Tate Muilenburg <tate.muilenburg@fastsigns.com>
Sent: Thursday, April 10, 2025 2:36 PM
To: Kathryn Purvis <kpurvis@cityofclive.com>
Subject: Re: 2555 Berkshire Pkwy- update to signage

Warning: Unusual sender <tate.muilenburg@fastsigns.com>

You don't usually receive emails from this address. Make sure you trust this sender before taking any actions.

Hello Kathryn, I hope you're doing well. So after looking at the current one they both need to be smaller and Dimensional? but the shaw spine and sport is fine. Is it just the logo and purple pill with lettering underneath that is the problem?

On Thu, Apr 10, 2025 at 12:56 PM Kathryn Purvis <kpurvis@cityofclive.com> wrote:

Good Afternoon-

I'm reaching out as I haven't heard back from my previous review in March and wanted to touch base with you on the status of the permit.

Currently, this has not been approved as the logo and capsule under the individual letters need to be sized so that it only comprises 25% of the total proposed signage, or it will need to be dimensionally layered and illuminated. Currently both features comprise approximately 75% of the proposed signage.

Please let me know if you have any questions –
Thanks!

Kathryn Purvis
Planner | Community Development



City of Clive
Phone: (515) 223-6221
Fax: (515) 457-3091
kpurvis@cityofclive.com | www.cityofclive.com
1900 NW 114th Street, Clive, IA 50325

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Tate Muilenburg
Outside Sales Professional | tate.muilenburg@fastsigns.com
1791 NW 86th Street, Clive, IA 50325
Phone: 515-224-1210 | Cell: 641-373-7058
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11-12-6 BUILDING MOUNTED SIGNS:

A. Sign Area Allowed: The following sign areas shall be allowed. For a demonstration on how these provisions are applied, please see figures 11-12-6A and 11-12-6B of this section.

1. Public street facing tenant:

- a. One and a half (1.5) square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of one hundred (100) square feet.
- b. In the case that the tenant(s) sign has a setback of greater than two hundred fifty feet (250') from the nearest public street right-of-way, two (2) square feet of sign area may be erected per linear foot of tenant frontage to a maximum sign area of two hundred (200) square feet.
- c. In the case that a tenant has frontage along more than one public street, the total sign area shall be calculated off of no more than two (2) public street frontages, up to a maximum of two hundred (200) square feet. A maximum sign area up to four hundred (400) square feet is allowed when also meeting the setback requirements of subsection 11-12-6A1b. No individual building sign shall exceed two hundred (200) square feet in sign area.

2. Nonpublic street facing tenant:

- a. One and a half (1.5) square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of one hundred (100) square feet.
- b. In the case that the tenant(s) sign has a setback of greater than two hundred fifty feet (250') from the nearest private street, two (2) square feet of sign area may be erected per linear foot of tenant frontage to a maximum sign area of two hundred (200) square feet.
- c. In the case that a tenant has frontage along both a non-public street and a public street, the sign area shall be calculated off of the public street facing frontage.
- d. In the case that a tenant is not oriented towards a street frontage and desires to place a sign on the elevation that faces a street frontage, the maximum allowable sign area allowed to be displayed by all tenants on the public street facing frontage shall be limited to the total building sign area allowed per this subsection.

FIGURE 11-12-6A

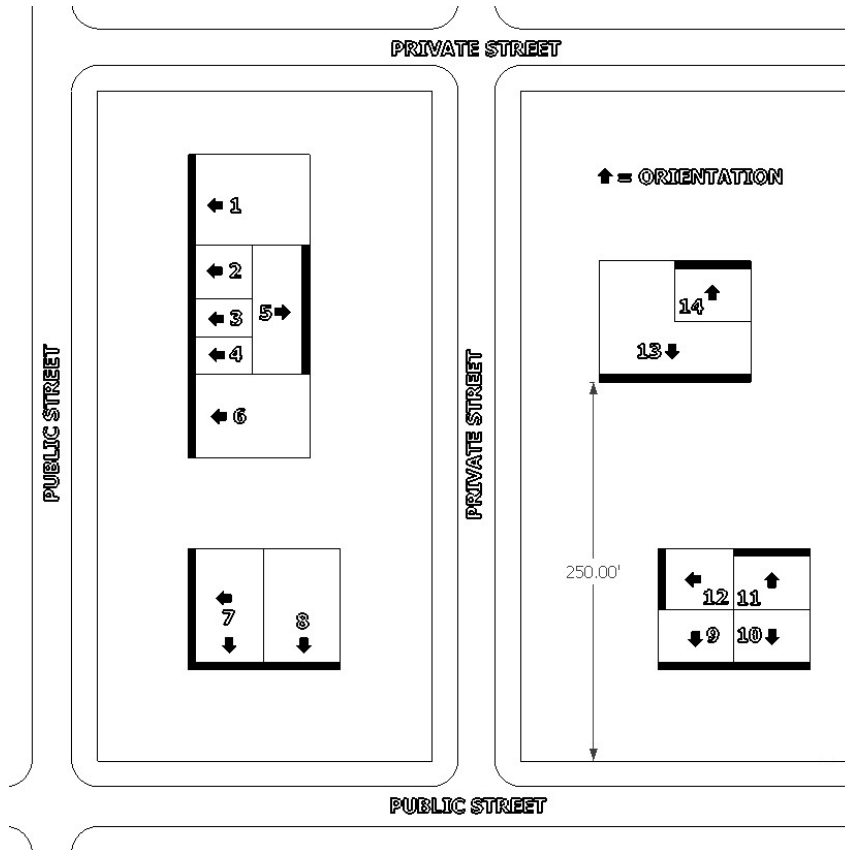


FIGURE 11-12-6B

Tenant Space	Orientation	Special Remarks	Frontage (Linear Feet)	Area (Square Feet)
1	Public street	Only calculated off public street frontage	60	90
2	Public street	n/a	35	52.5
3	Public street	n/a	25	37.5
4	Public street	n/a	25	37.5
5	Non-public street	n/a	85	127.5
6	Public street	n/a	55	82.5
7	Public street	2 public street frontages	80 & 50	195
8	Public street	Only calculated off public street frontage	50	75
9	Public street	Only calculated off public street frontage	50	75
10	Public street	n/a	50	75
11	Non-public	n/a	50	75

	street			
12	Non-public street	n/a	40	60
13	Public street	Exceeds 250-foot setback	100	200
14	Non-public street	n/a	50	75

- B. Multi-Story Buildings: In the event that a tenant occupies more than one story, sign area shall be calculated using the tenant frontage on only one story.
- C. Letters, Symbols and Logos: Under no circumstances will a letter, symbol, or logo dimension greater than six feet (6') be allowed. All building signs shall be principally comprised of individual channel letters or similar solid construction letters, at least one inch (1") in thickness. Push through, routed letters, and dimensional letters on backer boards, provided they are internally illuminated shall be permitted. For the purpose of displaying letters, symbols or logos, no more than twenty five percent (25%) of the total sign area may be allotted to an awning or capsule sign.

CHAPTER 2 DEFINITIONS

11-2-1 WORDS AND TERMS DEFINED.

As used in this title, the word “or” also means “and/or;” the words “used” or “occupied” include the words “intended, designed, or arranged to be” used or occupied; the word “lot” includes the words “plot or parcel” and all other words or phrases used to denote an individual site that complies with the minimum provisions of this title. For the purpose of this title, the following terms or words used herein shall be interpreted as follows:

1. Words beginning with “A.”

A. “Abut” or “abutting” means contiguous; having a common boundary, wall, or property line.

B. “Accessory living quarters” means living quarters within an accessory building for the sole use of persons fully employed on the premises or for the temporary use by guests of the occupants of the premises.

C. “Accessory use” means a use subordinate to the principal permitted use of a premises serving a purpose customarily incidental to the principal permitted use and which is located on the same lot as the principal building, except for such accessory parking facilities as are specifically authorized by this title.

D. “Addition” means an extension or increase in floor area, size, or height, number, or capacity of a building or structure.

E. “Administrative decision” means a decision made by the Community Development Director.

F. “Adult artist, body painting, or body piercing studio” means an establishment or business which provides the services of piercing, applying paint, or other substance, whether transparent or nontransparent, to or on the human body distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” (as defined in this section).

G. “Adult bookstore” means an establishment having as a substantial or significant portion of its stock in trade, books, magazines, videos, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section); or an establishment or section devoted to the sale or display of such material.

H. “Adult cabaret” means any place holding a liquor license or beer permit, or combination for consumption of beer or liquor, or both, on the premises wherein entertainment is characterized by emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section).

I. "Adult entertainment establishment" means any other establishment not otherwise defined herein, but of the same general classification as the other establishments herein defined, having as a substantial or significant portion of its business the offering of entertainment, stocks in trade of materials, scenes or other presentations characterized by emphasis on depiction or description of "specified sexual activities" or "specified anatomical areas" (as defined in this section).

J. "Adult massage parlor" means any place of business wherein any method of pressure on or friction against, or rubbing, stroking, kneading, tapping, pounding, or vibrating the external parts of the body with the hand or any body parts, or by a mechanical or electrical instrument, under such circumstances that it is reasonably expected that the individual to whom the treatment is provided, or some third person on their behalf, will pay money or give other consideration or gratuity therefor, wherein the massage is distinguished or characterized by an emphasis on "specified sexual activities," or involving "specified anatomical areas" (as defined in this section).

K. "Adult mini-motion picture theater" means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this section), for observation by patrons therein.

L. "Adult motion picture theater" means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this section), for observation by patrons therein.

M. "Adult theater" means a motion picture theater or stage show theater, or combination thereof, used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this section), for observation by patrons therein.

N. "Agriculture" means the use of land for agricultural purposes, including agriculture, farming, floriculture, forestry, horticulture, and necessary accessory uses for treating, packing, or sorting produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities.

O. "Air animated display" means a temporary sign, typically constructed out of a flexible fabric, and inflated to allow movement and animation. All air animated displays must be properly secured to the ground to prevent a change in location.

P. "Amendment" means a change in the wording, context, or substance of this title, or a change in the zoning or district boundaries of the Official Zoning Map, a part of this title, when adopted by ordinance passed by the proper authoritative body in the manner prescribed by law.

Q. "Animation" means rotation or any other movement or appearance thereof, or change of lighting to depict action or create a special effect or scene, whether by atmospheric movement, mechanical, or electrical means, or any combination thereof.

R. "Apartment" means a room or suite of rooms intended or designed for use as a dwelling unit typically made available for lease.

S. "Apartment house" See definition of dwelling, multiple-family.

T. "Appeal" means a request that another authority reviews or reconsiders a decision that an interested party believes to have been made in error.

U. "Applicant" means the owner or lessee of property, or said person's agent, or a person who has contracted to purchase the property contingent upon such person's ability to acquire the necessary permits under this title, or the agent of such person.

V. "Appraisal" means an estimate or opinion of the value of real or personal property or an interest or estate in that property as determined by a qualified appraisal.

W. "Assisted living residential facility" means a building consisting of individual dwelling units where meals and assistance for daily living activities are provided for residents, who are primarily elderly persons. Such facility must be licensed as a residential care facility or skilled nursing facility under Chapter 135C of the Code of Iowa.

X. "Automobile sales and display" means the use of land or building for the display, sale, or lease of new or preowned passenger vehicles with a gross vehicle weight rating of less than 9,000 pounds. The servicing or repair of vehicles may be conducted as an accessory use.

Y. "Automobile supply" means an establishment for the retail sales of motor vehicle parts, supplies, and other similar products. It may also include minor installation of parts or accessories such as batteries, windshields, tires, wheels, electronic components, and other similar products. Automotive repair and the sale of vehicles are expressly prohibited.

Z. "Automobile wrecking" means the dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel, or tract of land, of five or more vehicles or trailers which for a period exceeding 30 days have not been capable of operation under their own power, and from which parts have been removed or are to be removed for reuse, salvage, or sale, shall constitute evidence of an automobile wrecking yard.

AA. "Automotive repair" means an establishment used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to: brake/exhaust/engine repair or work, oil change and lubrication, provided all functions of the business are entirely contained within the confines of the building and no outdoor storage of vehicles or parts is allowed.

BB. "Awning" means a roof-like cover typically constructed of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative feature to the principal structure, which projects from a wall or roof of a structure over a window, walkway, door, or similar.

2. Words beginning with "B."

A. "Balcony" means a covered or uncovered platform area projecting from the wall of a building, unenclosed except by a railing, which projects from the outer wall of a building above ground level without support other than the building.

B. "Bar/lounge" means any place devoted primarily to the selling, serving, or dispensing and drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises.

C. "Base flood" means the flood having one percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood.")

D. "Base flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

E. "Basement" means a story having more than one-half of its height below grade. A basement shall not be counted as a story for the purpose of height regulation, unless designed or used for habitation or business purposes and provided that the finished floor level directly above is not more than six feet above grade. (See definition of story.)

F. "Basement" (Flood Control) means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see definition of "lowest floor."

G. "Beer garden" means any establishment that includes any area out of doors or not completely contained within a building in which alcoholic beverages are served or consumed, and, may or may not, include the serving or consumption of food. The facility shall be duly approved and licensed as required by applicable State and local regulations.

H. "Big box retailer" means a single tenant user with a minimum of 25,000 square feet in gross floor area.

I. "Blade" means an element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, mechanical energy directly from the wind.

J. "Board" means the Board of Adjustment.

K. "Board of adjustment" means an administrative hearing board created by the Code of Iowa, as amended, which is authorized to issue special use permits, interpret, and grant variances from this title.

L. "Boarding house" means a building other than a hotel where, for compensation, meals or lodging are provided for four or more persons, but does not include rest homes.

M. "Breezeway" means a covered passageway connecting a primary structure to an accessory structure or two accessory structures.

N. "Buffer" means a landscaped area, identified on a site plan or plat, intended to separate, and partially obstruct the view of two adjacent land uses or properties from one another.

O. "Buildable area" means the area of a lot remaining after the minimum open space or yard requirements of this title have been complied with.

P. "Building" means any structure having a roof supported by walls or by columns intended for enclosure, shelter, or housing of persons, animals, or chattel. When any portion thereof is entirely separated by walls in which there are no connecting doors or windows or any similar opening, each portion so separated shall be deemed a separate building, except for townhouses, duplexes, and condominiums wherein two or more dwelling units shall constitute a separate building. "Building" does not include signs or billboards.

Q. "Building, accessory" means a building subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building. Among other things, the following are considered to be accessory buildings: shed, gazebo, garage.

R. "Building face" or "wall" means all the window and wall area of a building in one plane or elevation.

S. "Building frontage" means that wall or side of a building containing the main entry that is adjacent and most nearly parallel to a street.

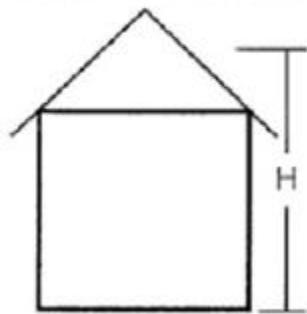
T. "Building height" means the vertical distance from the average finished ground grade at the building line to the highest point of the coping of a flat roof, or to the deck of a mansard roof, or to mean height level between eaves and ridge for gable, hip, and gambrel roofs. On a corner lot, the height is the mean vertical distance from the average natural grade at the building line from the higher of the two grades.



Gable Roof



Mansard Roof



Hip Roof

Figure
11-2-1.1

U. “Building Mounted WES” means a wind turbine that is mounted to any portion of a building, whether attached directly to the building or attached to a tower structure which is supported by the building.

V. “Building official” means the City employee designated by the Community Development Director to enforce the City’s building and zoning ordinances.

W. "Building permit" means official certification, issued by the Building Official, that a proposed improvement complies with the provisions of this title and other applicable ordinances.

X. "Bulk station" means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than 12,000 gallons.

3. Words beginning with "C."

A. "Canopy" means a permanent roof-like cover that projects from the wall of a building over a door, entrance, or window; or a freestanding or projecting cover above an outdoor service area, such as a gasoline service station. Provides shelter to persons from elements of weather.

B. "Caretaker" means a person who is hired on a full-time basis to provide home based service to a resident occupant of the dwelling unit, including, but not limited to, a nurse, nanny, therapist, or maid.

C. "Certificate of Occupancy" means official certification that a premises conforms to provisions of this title and other applicable ordinances and may be used or occupied. A Certificate of Occupancy is granted upon completion of new construction or completion of alterations or additions to existing structures.

D. "Certificate of zoning compliance" means a written statement issued by the Community Development Department authorizing building uses, accessory building, and structures, or use consistent with the terms of this title and for the purpose of carrying out and enforcing its provisions.

E. "Certified survey" means a sketch, plan, map, or other exhibit bearing a written statement of its accuracy or conformity to specified standards which is signed and sealed by a registered surveyor.

F. "Channel" means any natural or artificial watercourse exhibiting definite banks, boundaries, and beds, and which contains visible evidence of flow or occurrence of water.

G. "Channel letter" means a multi-dimensional letter, number, or symbol that is individually formed and mounted to form a sign. For the purpose of this chapter, all channel letters must be at least one inch in thickness as defined by Subsection 11-12-7(3) of this title.

H. "Childcare facility" means a State licensed or registered facility where more than six children are temporarily left with attendants.

I. "Church" means any building, premises, or site whose primary use is public religious worship.

J. "Clear cutting" means the indiscriminate removal of trees, shrubs, or undergrowth with the intention of preparing real property for nonagricultural development purposes.

This definition does not include the selective removal of nonnative tree and shrub species when the soil is left relatively undisturbed.

K. "Clinic" means an office occupied by one or more members of a healing profession.

L. "Clinic, small animal" means an establishment where a licensed veterinarian carries out the prevention and treatment of diseases and injuries in small and domestic animals. For purposes of this title, this definition does not include a kennel.

M. "Commercial entertainment" means an establishment that provides facilities for the physical entertainment of patrons for a fee, including batting cages, billiard parlors, bowling alleys, go-cart racing, ice skating, miniature golf courses.

N. "Commission" means the Planning and Zoning Commission.

O. "Communication device" means a structure in a fixed location used as an antenna or to support antennas for the primary purpose of transmitting or receiving electronic signals.

P. "Community Development Director" means the City employee designated by the City to administer and enforce this title.

Q. "Consignment shop" means an enclosed facility in which used personal items such as clothes, jewelry, or furniture is resold through a broker for the owner at an agreed upon price. It is understood that the owner retains title to the item at all times and can end the arrangement with the broker at any time by requesting a return of the item.

R. "Consumer fireworks" means first-class consumer fireworks and second-class consumer fireworks that are intended for the retail sale and use by the general public provided that they are manufactured, labeled, and sold in conformance with the regulations of the U.S. Consumer Product Safety Commission published in Title 16, CFR.

S. "Consumer fireworks sales" means an establishment used for the retail display and sales of consumer fireworks.

T. "Convalescent homes" See definition of nursing home.

U. "Convenience store" means an establishment for retail sale of petroleum products and other supplies for motor vehicles, as well as for the retail sale of a variety of other items typically sold in grocery stores, not including the repair or sale of vehicles.

V. "Copy" means words, letters, logos, figures, symbols, statues, illustrations, patterns, decorative panels, or inserts that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself. Lighting and similar features adding to the architecture element of the building are not considered as signage but shall be regulated by the site plan.

W. "Courtyard" means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

X. "Covenants, restrictive" means any contract restricting the manner in which land may be used.

Y. “Cul-de-sac” means a local street, one end of which is closed and consists of a circular turnaround.

Z. “Condominium” means one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, and notwithstanding whether the rooms are intended for use or used as a residence or office for the operation of any industry or business, or for any other use not prohibited by law, where ownership of the general common elements of the structure, as defined under Chapter 499B of the Code of Iowa, is shared by one or more persons, corporations, or other legal entities capable of holding or owning an interest in real property.

(Paragraph Z – Ord. 1164 – Jul. 25 Supp.)

AA. “Cooking provisions, permanent” means a room or space within a dwelling unit that is used or designed to be used for the preparation and cooking of food. The minimum components include a countertop, a sink with running water, and a stove or stove hookup utilizing gas or 220v electric.

(Paragraph AA – Ord. 1164 – Jul. 25 Supp.)

4. Words beginning with “D.”

A. “Deck” means an unroofed platform, constructed above grade, unenclosed except by a railing, which projects from the outer wall of a building and is attached to the ground.

B. “Delayed deposit service provider” means every person who, for a fee, does either of the following:

(1) Accepts a check dated subsequent to the date it was written.

(2) Accepts a check dated on the date it was written and holds the check for a period of time prior to deposit or presentment pursuant to an agreement with, or any representations made to, the maker of the check, whether express or implied.

C. “Demising wall” means a wall used to provide separation between individual tenants located within a multiple-tenant building.

D. “Density, gross” means the number of dwelling units per unit area of land usually expressed as dwelling units per acre.

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

F. “Development plan” means a type of plan that becomes part of the zoning for a property. The plan depicts site characteristics and development information and provides guidance for site plans.

G. “Display fireworks sales” means an establishment used for the manufacturing, storage, or distribution of any firework classified as a 1.3G firework by the American Pyrotechnics Association.

H. “District” means a section or sections of the City within which the regulations governing the use of buildings and premises, or the height and area of buildings and premises, are uniform.

I. “Domesticated animal boarding/kennel” means any premises in which meals, exercise, and lodging for four or more domesticated animals, six months old or older, are provided for compensation, or in which such domesticated animals are raised for the purpose of sale, and are kept under constant restraint. Domesticated animals shall include dogs, cats, rabbits, and ferrets.

J. “Domesticated animal exercise yard” means an enclosed or open air structure, adjacent to or part of a principal structure which is located in a commercial or industrial district, which is utilized for the periodic exercise of domesticated animals.

K. “Domesticated animal run” means an accessory structure in a residential district that is built or constructed primarily to enclose domesticated animals.

L. “Drinking places” means those uses that include bars, taverns, saloons, cabarets, and nightclubs; which involve the sale or distribution of alcoholic beverages as a significant portion of business generated.

M. “Drip line” means a vertical line extending from the outermost branches of a tree to the ground.

N. “Drive-in/drive-through facility” means any portion of a building or structure from which a business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.

O. “Dumpster enclosure” means any type of approved screening, which encompasses trash receptacles, grease receptacles, or recycling containers.

P. “Direct and free access” means a minimum 36” opening that opens directly to habitable space on both sides. For the purposes of this definition, habitable space shall be as defined in the International Residential Code as adopted by Title 10 Building Regulations of the Clive City Code.

(Paragraph P – Ord. [1164](#) – Jul. 25 Supp.)

Q. “Dwelling” means any building that contains one or more dwelling units occupied or designed to be occupied for residential living purposes. Dwelling excludes boarding houses, lodging houses, hotels, mobile homes, nursing facilities, and assisted living residential facilities. Types of dwellings and/or dwelling units include:

(1) “Dwelling, accessory unit” means an additional residential dwelling unit that is subordinate to the principal dwelling unit on the same lot, does not provide direct and free access to the principal dwelling unit and its amenities, and provides a reasonable

expectation of privacy from residents of the principal dwelling. Accessory dwelling units may either be a detached building or attached or internal to the principal building. For the purposes of this definition, a dwelling unit is “subordinate” to the principal dwelling when all of the following apply:

- a. The additional dwelling unit does not have an exterior door oriented toward and readily visible from the front yard;
- b. The additional dwelling unit does not have a separate address;
- c. The additional dwelling unit is provided water from the same metered service as the existing principal dwelling.

(2) “Dwelling, apartment” means a dwelling unit within a multiple family dwelling. Apartment may be either leased or owned by the occupant.

(3) “Dwelling, duplex” means a building containing only two dwelling units located on the same lot, where neither unit is accessory nor subordinate to the other in terms of size, scale, and use. A duplex dwelling shall have a separate address and a separate water metered service for each dwelling unit.

(4) “Dwelling, multiple-family” means a building that contains three or more dwelling units located on the same lot, exclusive of permitted accessory dwelling units.

(5) “Dwelling, single-family” means a building that contains only one principal dwelling unit and occupied exclusively for residence purposes, including naturally or commonly occurring uses specified herein.

(6) “Dwelling, townhouse” means a single dwelling unit in a townhouse development that extends from foundation to roof and that has a yard or public way on not less than two sides. Townhouse dwelling units may be either attached by one or more common walls or detached.

(7) “Dwelling unit” means a single unit providing completed independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit shall contain no more than two interior rooms or spaces providing permanent cooking provisions.

(Paragraph Q – Ord. [1164](#) – Jul. 25 Supp.)

5. Words beginning with “E.”

A. “Easement” means a right given by the owner of land to another person for specific limited use of that land.

B. “Egress” means an exit.

C. “Employee” means any person working, regardless of full-time, part-time, or volunteer status, as an owner, partner, subcontractor, independent contractor of the business.

D. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:

(1) The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Subsection 11-11-5(4)(A) of this title, and

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

(3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the base flood elevation, and

(4) The enclosed area is not a “basement” as defined in this section.

E. “Equipment sales and display” means the use of land or building for the display, sale, or lease of new or preowned trucks with a gross vehicle weight of greater than 9,000 pounds, trailers, recreational vehicles, boats, construction equipment, or other similar equipment capable of traveling upon the roadway. The servicing or repair of vehicles may be conducted as an accessory use.

F. “Erect” means to build, construct, attach, hang, place, suspend, or affix, and includes the painting of wall signs.

G. “Events center” means a facility:

(1) With a capacity to seat 500 or more persons;

(2) Which does not have regular business hours; and

(3) Which is open exclusively for special events, such as sporting events, musical events, weddings, private parties, banquets, and similar activities.

H. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community. For the purposes of this regulation, the effective date of the first floodplain management regulation is November 1, 1979.

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

J. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

6. Words beginning with “F.”

A. “Factory-built home” means any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this title, factory-built homes include mobile homes, manufactured homes, and modular homes and also include recreational vehicles placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

B. “Factory built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.

C. “Family” means a person living alone or in a group living as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities up to a maximum occupant dwelling load as provided in Chapter 6 of this title. For the purposes of this definition, anyone who spends more than 90 nights within a 12-month period will be counted as an occupant. The definition of family does not include, and is not intended to provide an exclusion for, any of the following:

(1) More than eight people who are:

- a. Residents of a “family home” as defined in Section 414.22 of the Code of Iowa; or
- b. “Handicap” as defined in the Fair Housing Act, 42 USC Section 3602(h).

(2) Any group of individuals who are in a group living arrangement as a result of criminal offenses;

(3) Any group of individuals whose association is temporary, seasonal in nature, or limited to the duration of an educational school year cycle;

(4) Any society, club, fraternity, sorority, association, lodge, or like organization.

D. “Fence” means an enclosure or barrier constructed of wood or other material(s) used to delineate boundary, provide screening, or prevent access to or from the area enclosed.

E. “Fence, ornamental” means all fencing which is ornamental or embellished and includes, but is not limited to, the following types of fencing: post and rail or split rail, but not chain link.

F. “First class consumer fireworks” means the following consumer fireworks, as described in American Pyrotechnics Association Standard 87-1, Chapter 3:

- (1) Aerial shell kits and reloadable spinners.
- (2) Chasers.
- (3) Helicopters and aerial spinners.
- (4) Firecrackers.

- (5) Mine and shell devices.
- (6) Missile type rockets.
- (7) Roman candles.
- (8) Skyrockets and bottle rockets.

(9) Multiple tube devices with a similar nature as the above-described devices provided that they are manufactured in accordance with the American Pyrotechnics Association standard 87-1, Chapter 3, Section 3.5.

G. "500-year flood" means a flood, the magnitude of which has a 0.2 percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.

H. "Flag" means any fabric, banner, or bunting containing distinctive colors, lettering, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

I. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

J. "Flood Insurance Rate Map" (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

K. "Flood Insurance Study" (FIS) means a report published by FEMA for a community issued study along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

L. "Floodplain" means any land area susceptible to being inundated by water as a result of a flood.

M. "Floodplain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including, but not limited to, emergency preparedness plans, flood control works, floodproofing, and floodplain management regulations.

N. "Floodproofing" means any combination of structural or nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

O. "Floodway" means the channel of a watercourse and those portions of the floodplain adjoining the channel, which must be reserved in order to discharge flood flows and so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

P. "Floodway fringe" means the portion of the special flood hazard area outside of the floodway.

Q. "Floor area" means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of common walls separating two attached buildings. For determining off-street parking and loading requirements for any specific use, the "floor area" is the total amount of "floor area," as described above, which is devoted to such specific use, including accessory storage areas, such as counters, racks, or closets when located within selling or working areas.

R. "Foundation plantings" means landscaping material designed to hide structure foundations from view at eye level from the adjacent rights-of-way.

S. "Frontage" means the dimension of a front lot line as measured along the public street (see definition of lot lines).

7. Words beginning with "G."

A. "Garage, mechanical" means a structure in which major mechanical repair or rebuilding of motor-powered vehicles is performed for commercial gain and in which the storage, care, and minor servicing are accessory uses.

B. "Garage, private" means an accessory building, or an accessory portion of the main building, designed or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

C. "Garage, public" means any building or premises, other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor driven vehicles.

D. "Garage sale reseller" means the act of selling or offering for sale of personal property on residential premises to the general public in excess of two events per year. Such sales include, but are not limited to, a porch sale, yard sale, moving sale, or auction.

E. "General farming" or "agriculture" means the use of land for crop production, including corn, soybeans, alfalfa, pumpkins, hay, but excluding swine, poultry, and bovine production and breeding.

F. "Grade" means the average elevation of the finished ground at the exterior walls of the main building.

G. "Greenhouse" means a building or accessory building constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other plants.

H. "Group home for the handicapped" means a dwelling shared by four or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which the staff provide care, education,

and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible.

8. Words beginning with “H.”

A. “Half-story” means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the floor immediately below it.

B. “Hazardous material” means any item or agent (biological, chemical, radiological, or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

C. “Healthcare facility” means a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition, including, but not limited to, a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center or intermediate care facility.

D. “Hedge” means a landscape barrier that consists of a continuous, dense planting of shrubs.

E. “Height of building” See definition of building height.

F. “Height, total WES” means the height above grade of the wind energy system, including the tower, generating unit, and the highest vertical extension of any blades. Height shall be measured from the adjacent grade of the tower/building to the tip of the turbine (blade) at its highest point.

G. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

H. “Historic structure” means any structure that is:

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

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

(3) Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

(4) Individually listed on a local Inventory of Historic Places in communities with historic preservation programs that have been certified by either: 1) an approved state program as determined by the Secretary of the Interior or 2) directly by the Secretary of the Interior in states without approved programs.

I. "Home, manufactured" means a factory-built structure built under authority of 42 USC Section 5403, is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the Mobile Home Square Foot Tax. If a manufactured home is placed outside a mobile home park, the home must be titled and is assessed and taxed as real estate.

J. "Home, mobile" means a vehicle without automotive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with automotive power not registered as a motor vehicle in the State. A mobile home is not built to a mandatory Building Code, contains no federal or State seals, and was built before June 15, 1976.

K. "Home, modular" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the State Building Code for modular factory built structures, and must display the seal issued by the State Building Code Commissioner.

L. "Home occupation" means a business, profession, occupation, or trade conducted for gain or support within a residential building, accessory building, or accessory structure thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

M. "Horizontal axis WES" means traditional wind turbine design, in which the rotating shaft is parallel to the ground, and the blades rotate through a vertical plane.

N. "Hospital" means an institution specializing in giving clinical, temporary, and emergency service of a medical or surgical nature to injured persons and patients, other than persons suffering from a lingering mental sickness, disease, disorder, or ailment.

O. "Hotel" means any building containing six or more guestrooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

9. Words beginning with "I."

A. "Impervious surface" means any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces include graveled driveways and parking areas.

B. "Impervious surface, permanent" means a concrete or asphalt surface. Temporary or movable concrete blocks, two-foot by two-foot concrete pads, mats, pavers, or similar nonpermanent surfacing are not considered permanent impervious surfaces.

C. "Independent living residential facility" means a development providing individual dwelling units designed specifically for the needs of elderly persons who are able to

function and live independently. In addition to housing, this type of facility may provide convenience services such as meals, housekeeping, and transportation.

D. "Ingress" means an entrance.

10. Words beginning with "J."

A. "Junk" means all old or scrap copper, brass, lead, or any other nonferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood, dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other old or scrap ferrous materials; old or discharged glass, concrete, tinware, plastic or old or discharged household goods or hardware, mattresses, beds or bedding, or any other kind of scrap or waste material which is stored, kept, handled, or displayed for barter, resale, reuse, salvage, stripping, or trade. Neatly stacked firewood located in a side yard or rear yard is not considered junk.

B. "Junkyard" means any area where junk is bought, sold, exchanged, baled, or packaged, disassembled or handled, including house wrecking yards, used lumberyards and places or yards for storage of salvaged house wrecking or structural steel material and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded, or salvaged materials necessary as a part of manufacturing operations.

11. Words beginning with "K."

12. Words beginning with "L."

A. "Landscaping" means any combination of living plants, such as grass, ground cover, shrubs, vines, hedges, or trees, and nonliving landscape material, such as rocks, pebbles, mulch, walls, fences, or decorative fountains.

B. "Large Wind Energy Conversion Systems" (LWECS) means a wind energy system consisting of at least one of the following: a wind turbine, tower, and associated controls or conversion electronics, and is intended for the production of electricity in excess of the needed on-site consumption of supplied utility power. Wind energy systems having a nameplate rated capacity of greater than 15 kilowatts for residential uses or 100 kilowatts for commercial or industrial uses shall be considered a large LWECS.

Large LWECS are not permitted on any parcel in the City.

C. "Loading space" means any off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking (less than 24 hours) of a commercial vehicle while loading or unloading merchandise.

D. "Lodging house" means any building or portion thereof, containing not more than four guestrooms which are used by not more than four guests where rent is paid in money, goods, labor, or otherwise. A lodging house shall comply with all the requirements of this title for dwellings.

E. "Logo" means the graphical content of a sign surface in pictographic or symbolic form.

F. "Lot" means any parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

(4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

G. "Lot lines" means all lots shall be in compliance with Code of Iowa with respect to the subdivision of land.

(1) Front. The line separating the front of the lot from the street. In the case of a corner and double frontage lots, all lots fronting on a public or private street are deemed front lot line.

(2) Rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a corner lot, the line opposite the shorter street frontage dimension shall be construed as the rear lot line. In case of an interior triangular or irregular shaped lot, it means a straight line 10 feet in length which:

a. Is parallel to the front lot line or its chord.

b. Intersects the two other lot lines at points most distant from the front lot line.

(3) Side. Any lot boundary line not a front lot line or a rear lot line.

H. "Lot measurements"

(1) Lot Area. The gross area, exclusive streets, or other public right-of-way, within the boundary lines of lots.

(2) Lot Depth. The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore shaped lot, the depth is the horizontal distance between the midpoints at the front and rear lot lines.

(3) Lot Width. The horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front setback. When the lot width is decreasing from front to rear, the

horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback.

I. "Lot of record" means a lot that is part of subdivision, the deed of which is recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

J. "Lot types."

(1) Corner Lot. A lot located at the intersection of two or more streets, with the street right-of-way abutting the front and one or more side lines of the lot. See Figure 11-2-1.2 of this section.

(2) Double Frontage Lot. A lot other than a corner lot with frontage on more than one street or public thoroughfare which do not intersect one another. See Figure 11-2-1.2 of this section.

(3) Key Lot. A lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid lots. See Figure 11-2-1.2 of this section.

(4) Reversed Frontage Lot. A corner lot, the side street line of which is substantially a continuation of the front lot line of the first interior lot to its rear. See Figure 11-2-1.2 of this section.

Figure 11-2-1.2

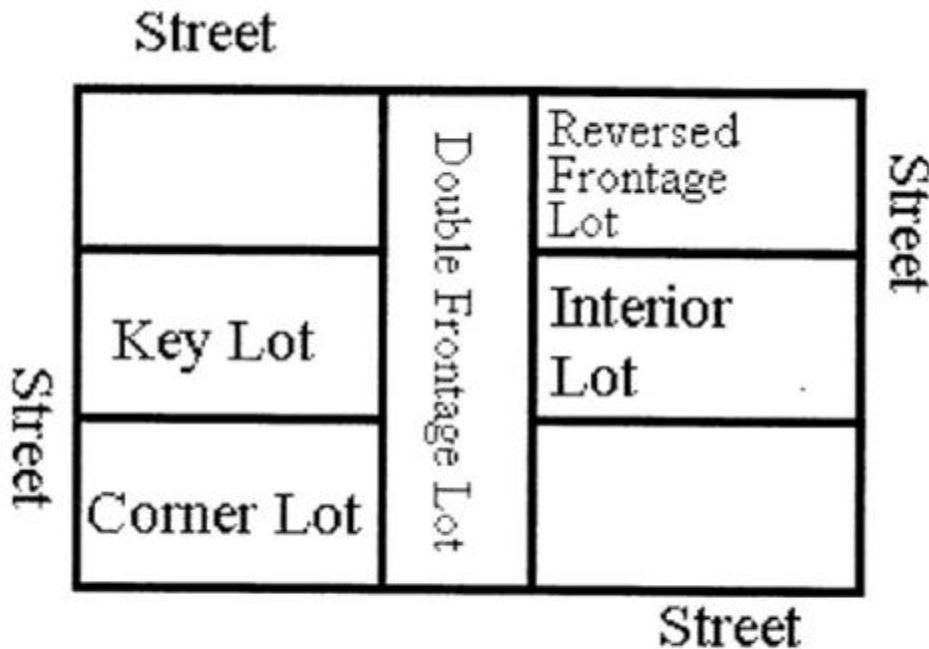


Figure 11-2-1.2

K. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement, except when the criteria listed in the definition of enclosed area below lowest floor are met.

L. "Livable space" means the habitable space within a dwelling unit that has finished walls, floors, and ceilings. Walls and ceilings shall be considered finished only if they are covered by wallboard or similar material; floors shall be considered finished only if they are covered by carpet, tile, linoleum, polished concrete, or similar material. For finished second floor or attic spaces, the livable space includes only the floor area with a ceiling height of 5 feet or greater. For finished basement spaces, the livable space includes only the floor area with a ceiling height of 7 feet or greater. Unfinished basements and attics, unheated porches and breezeways, garages, and maintenance shops shall be excluded from the livable space.

(Paragraph L – Ord. [1164](#) – Jul. 25 Supp.)

13. Words beginning with "M."

A. "Massage" means any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument for any form of consideration or gratuity.

B. "Massage establishment" means any establishment having a fixed place of business where massage is administered for any form of consideration or gratuity, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include:

(1) Persons licensed in the State under the provisions of Chapters 148, 148A, 148B, 150, 150A, 151, 152, 157, or 158 of the Code of Iowa, when performing massage, when performing massage therapy or massage services as part of the profession or trade for which licensed;

(2) Persons performing massage therapy or massage services under the direction of a person licensed as described in Subsection (1) of this definition;

(3) Persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician;

(4) Nurses aids, technicians, and attendants at any hospital or healthcare facility licensed pursuant to Chapter 135B, 135C, or 145A of the Code of Iowa, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in Subsection (1) of this definition;

(5) An athletic coach or trainer in any accredited public or private secondary school, junior college, college, or university, or employed by professional or semiprofessional athletic team or organization, in the course of their employment as such coach or trainer. This definition shall not be construed to include a volunteer Fire Department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities, and facilities for the welfare of the residents of the area.

C. "Maximum damage potential uses" means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; electrical power installations; buildings or building complexes that provide emergency services to the general public; buildings or building complexes that house students and are used for education purposes; buildings or building complexes that provide long and short term care, convalescent care, or assisted living operations; or other buildings or building complexes similar in nature or use.

D. "Meeting hall" means a facility providing space for lectures, social functions, exhibitions, entertainment, instruction, and similar purposes as well as customary ancillary space, such as restrooms, kitchens, foyers, work, and dressing rooms and storage areas.

E. "Mental institution, hospital or home" means an institution specializing in giving clinical and psychiatric aid and treatment to and in conjunction with the housing of persons and patients suffering from temporary, lingering, or chronic mental ailment, disorder, or sickness.

F. "Mini-warehouse facilities" means a building or group of buildings, which are rented and designed, through individual compartments or controlled stalls, for self-storage purposes.

G. "Minor projects" means small development activities (except for filling, grading, and excavating) valued at less than \$500.00.

H. "Motel, motor lodge" means a building or group of two or more buildings designed to provide sleeping accommodation for transient or overnight guests, with garage attached or parking facilities conveniently located to each such unit.

I. "Motor vehicle" means a motorized conveyance for transporting people, goods, etc., especially over land.

J. "Mulch" means an organic or synthetic material placed on the soil to prevent erosion, control weeds, and enrich the soil.

K. "Multiple tenant building, horizontal" means a single-story building designed for the collocation of two or more tenants located side by side with each tenant separated by demising walls.

L. "Multiple tenant building, vertical" means a multiple story building designed for the collocation of two or more tenants located side by side or on separate floors of the building.

14. Words beginning with "N."

A. "Neon, exposed" means any neon type lighting used as or in a sign, not encased in a solid colored light diffusing lens, so as to limit the visible appearance of the illuminated light source.

B. "New construction" means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

C. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

D. "Nightclub" means any place of business located within any building or establishment, operated for the purpose of supplying entertainment or music, or both, and providing meals and refreshments prepared on the premises, having a seating capacity of not less than 40 people at tables; providing a dance floor containing not less than 308 square feet, and serving beer, wine, or liquor for consumption on the premises.

E. "Nonconforming lot" means a lot which does not conform to the provisions of this title relative to lot frontage, width, or area for the district in which it is located, by reason of the adoption of this title or subsequent amendments hereto.

F. "Nonconforming structure" means a structure or portion thereof which does not conform to the provisions of this title relative to the height, structures, yards, or building coverage for the district in which it is located, by reason of the adoption of this title or subsequent amendments hereto.

G. "Nonconforming use" means any use not allowed in the zone in which it is located or use of land or a building that does not comply with the provisions of this title, by reason of the adoption of this title or subsequent amendments hereto.

H. "Nonprofit institution" means a nonprofit establishment maintained and operated by a society, corporation, individual, foundation, or public agency for the purpose of providing charitable, social, educational, or similar services to the public, groups, or individuals. Cooperative nonprofit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, granaries, equipment sales, etc., are not considered nonprofit institutions under this title.

I. "Nuisance" means a situation which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of the property so as to interfere essentially with the comfortable enjoyment of life and property.

J. "Nursing home" means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, memory disabled, or physically disabled persons, not including insane, inebriate, or contagious persons.

15. Words beginning with "O."

A. "Obscene" means matter which is offensively or repulsively indecent.

B. "Occupant" means a person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; any person having a vested or contingent interest in the property in question.

C. "Off grid" means an electrical system that is not connected to a utility distribution facility or to any building or structure that is connected to a utility distribution facility.

D. "100-year flood" means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

E. "Open space" means a developed area that is intended to provide light and designed for resource protection, scenic, or amenity purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, wooded areas, and watercourses. Open space shall not be deemed to include buildings, driveways, parking lots, or other hard surfaces designed or intended for vehicular travel.

F. "Open space, common" means open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use and enjoyment of the residents of the development.

G. "Outdoor eating establishment" means picnic tables, benches, counters, and similar facilities, or area, provided in conjunction with a restaurant for the serving or consumption of food out of doors, and not contained within a building.

H. "Outdoor sound system" means any sound equipment, stereo equipment, or amplification equipment that is permanently or temporarily placed outdoors, or which directs sound outdoors.

I. "Overlay district" means a district which overlays and acts in conjunction with the underlying zoning district or districts.

16. Words beginning with "P."

A. "Parapet" or "parapet wall" means that portion of a building wall that rises above the roof level.

B. "Parking space, automobile" means a permanent hard surfaced area, other than a street, reserved for the parking of automobiles, plus such additional area as is necessary to afford adequate ingress and egress.

C. "Patio" means a level surface constructed at grade directly adjacent to the principal building.

D. "Pawnbroker" means every person who makes loans or advancements upon pawn, pledge, or deposit of personal property or who receives actual possession of personal property as security for loans, with or without a mortgage or bill of sale thereon, or who by advertisement, sign or otherwise, holds himself out as a pawnbroker.

E. "Pennant" or "streamer" means a long, narrow ribbonlike flag or tapering flag used individually or attached to a rope or structure of any length in a series.

F. "Plat" means a map recorded in final form, which represents a tract of land showing the boundaries and location of individual properties and streets.

G. "Porch" means an unenclosed or enclosed roofed projection from a building. A porch shall be considered as part of the principal building for all yard requirements.

H. "Premises" means any lot, plot, parcel, or tract of land, building or buildings, structure or structures, used publicly or privately as a place of business, dwelling, or meeting place.

I. "Principal building" means the building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification in which it is located.

J. "Principal use" means the main use of land or structures, as distinguished from a secondary or accessory use.

K. "Public thoroughfare" means any right-of-way under the jurisdiction and maintenance of the governmental agencies of the federal, State, and municipal government;

which may be used by the public in general; and which serves as the frontage street to the abutting property.

17. Words beginning with “Q.”

A. “Queue space” means a temporary waiting area for motor vehicles obtaining a service or other activity.

18. Words beginning with “R.”

A. “Raceway” means an enclosed channel designed expressly for holding wires, cables, or bus bars. In no case shall a raceway width be greater than the attached letters. A raceway width greater than the attached letters shall be considered a panel sign for the purposes of this title.

B. “Recreational vehicle” means a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

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

C. “Residential” or “residence” means any lot, plot, parcel, tract, area, or piece of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.

D. “Restaurant, fast food” means an establishment, located within a multi-tenant building, whose principal business is the sale of food and beverages to the public, provided the food and beverages are generally served “ready to consume” or “carry out” in a cafeteria style, such as cafes, coffee shops, and delicatessens.

E. “Restaurant, fast food, drive-through” means any establishment whose principal business is the sale of food, frozen desserts, or beverages in ready to consume individual servings, for consumption either within the restaurant building or for carryout. The establishment may also include a drive-up or drive-through services facility or offer curbside service.

F. “Restaurant, full service, sit down” means an establishment whose principal business is the sale of food and beverages, where customers are generally served on demand from a menu during stated business hours, served by an employee of the business, served on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables.

G. “Retail” means a business that provides goods or services directly to the consumer where goods are available for immediate purchase and removal from the premises by the

purchaser and includes, but is not limited to, apparel and clothing stores, bookstores, department stores, drugstores, etc.

H. "Right-of-way" or "row" means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer, or public uses.

I. "Roofline" means the point at which the roof meets the building walls.

J. "Room, utility" means a room used in a dwelling that primarily houses the furnace, water heater, heat pump, boiler, etc.

K. "Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

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

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

(3) Basement sealing;

(4) Repairing or replacing damaged or broken window panes;

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

19. Words beginning with "S."

A. "Second class consumer fireworks" means the following consumer fireworks, as described in American Pyrotechnics Association Standard 87-1, Chapter 3:

(1) Cone fountains.

(2) Cylindrical fountains.

(3) Flitter sparklers.

(4) Ground and handheld sparking devices, including multiple tube ground and handheld devices provided that they are manufactured in accordance with American Pyrotechnics Association Standard 87-1, Chapter 3, Section 3.5.

(5) Ground spinners.

(6) Illuminating torches.

(7) Toy smoke devices that are not classified as novelties pursuant to American Pyrotechnic Association Standard 87-1, Chapter 3, Section 3.2.

(8) Wheels.

(9) Wire or dipped sparklers that are not classified as novelties pursuant to American Pyrotechnic Association Standard 87-1, Chapter 3, Section 3.2.

For the purposes of this title, a retail operation in which less than 50 percent of the retail floor space is devoted to the sale or display of second class consumer fireworks shall not be considered a consumer fireworks sales use.

B. "Setback" means the minimum horizontal distance between the front, rear, or side lines of the lot and the front, rear, or side lines of the building or structure, respectively.

C. "Shadow flicker" means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on stationary objects such as the ground or facade of an adjacent structure.

D. "Shrub" means a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than eight feet in height.

E. "Sign" means every sign or advertisement as defined herein, including any announcement, declaration, demonstration, display, illustration, or insignia used to advertise, promote, or draw attention to the interests of any person or firm when the same is placed out of doors in view of the general public.

F. "Sign, a-frame" means a temporary sign, constructed of wood, cardboard, plastic, or other lightweight and rigid material having the capability to stand on its own supports and being portable.

G. "Sign area" means the area of a sign as determined by the Community Development Director in accordance with Section 11-12-7 of this title.

H. "Sign, awning" means a non-illuminated sign that is either attached to, affixed to, or painted on an awning or canopy.

I. "Sign, bag" means a temporary cover made of a cloth or canvas material, used to alter the message of an obsolete sign until such time as it is replaced with a new sign.

J. "Sign, banner" means a temporary sign composed of lightweight material either enclosed in a rigid frame or not enclosed, secured, or mounted to a structure or post on two or more edges. A national, State, or municipal flag, or the official flag of any institution or business is not considered a banner.

K. "Sign, billboard" means an off-premises sign, displayed out of doors or visible from a public way.

L. "Sign, building mounted" means any sign attached to or erected against the wall or painted on the surface of the wall of a building, with the exposed face of the sign in a plane parallel with a plane of said wall. This definition includes fascia signs.

M. "Sign, capsule" means a sign fabricated from metal, aluminum, or some other material with a face constructed out of a panel product. For the purpose of this chapter, capsule signs may not exceed 25 percent of the total sign area as defined by Subsection 11-12-2(19)(G) of this title.

N. "Sign, commercial abandoned" means any sign face remaining in place for a period of 30 days or more which no longer advertises an activity, business, product, or service available on the premises on which the sign is located.

O. "Sign, detached rigid" means a temporary sign, typically constructed out of a stiff or non-flexible material and mounted to poles/posts or a similar style support structure.

P. "Sign, directional" means a sign, other than warning and regulatory signs, which is located on private property for the purposes of controlling all modes of traffic.

Q. "Sign, electronic changeable copy" means the graphical content, in letter or alphabetical form, of a sign, which can be changed or altered automatically through electrical or electronic means.

R. "Sign face" or "surface" means the copy area, background area, and the peripheral encasement, structural elements, or trim, which forms the outer perimeter of the sign.

S. "Sign, ground-mounted" means a ground sign that does not have any exposed pole or pylon, and is attached to a single columnar base. Ground-mounted signs shall be constructed with materials chosen for their consistency with the principal building, as well as their durability and strength, in addition to the aesthetic values.

T. "Sign height" means the vertical distance from the average finished road grade at the sign location to the highest point of the sign.

U. "Sign, interstate ground-mounted" means a sign on a property abutting an interstate right-of-way that is oriented to the interstate, or is located within 300 feet of the interstate right-of-way as shown on Section 11-12-8 Figure 11-12-8A of this title.

V. "Sign, manual changeable copy" means the graphical content, in letter or alphabetical form, of a sign, which can be changed or altered by manual placement of letters or symbols.

W. "Sign, non-commercial" means a temporary or permanent sign which contains no message, statement, or expression related to commercial interests.

X. "Sign, nonconforming" means a sign that does not conform to the regulations provided herein.

Y. "Sign, number of" means for the purpose of determining the number of signs, a sign is considered to be a single display surface or displaying device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element is considered a single sign.

Z. "Sign, obsolete" means a sign that no longer advertises or identifies a legitimate business conducted on the property.

AA. "Sign, off-site" means any sign advertising any interest of any person or firm, products, accommodations, services, or activities not provided on the premises in which the sign is placed.

BB. "Sign, panel" means a sign consisting of a frame which may be covered by a translucent material, which may be internally illuminated. The placement of individual letters, at least one inch thick on a metal, stone, or Dryvit surface, is not considered a panel sign.

CC. "Sign, person" means any form of signage that may be accomplished through gestures, signals, costumes, or carrying of "signs, temporary" (as defined in this section) by persons affiliated with a business to advertise, promote, or draw attention to such business.

DD. "Sign, pole" means a sign which is erected upon one or more posts or pylons directly in or upon the ground and not attached to, or braced by, any other structure.

EE. "Sign, political" means a temporary sign erected for the purpose of soliciting votes or support for or in opposition to any candidate or any political party under whose designation any candidate is seeking nomination or election or any public question on the ballot in an election held under the laws of the State.

FF. "Sign, portable" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, the following: signs designed to be transported by the means of wheels, trailers, or chassis, whether or not the wheels are presently attached; signs constructed as or converted to A- or T-frames; menu and sandwich board signs; balloons or other hot air or gas filled figures; and signs attached to or painted on vehicles parked and visible from the public right-of-way and not being used in the normal day to day operations of the business excluding storage.

GG. "Sign, roof" means a sign erected on or above the roof of a building.

HH. "Sign, service" means a sign identifying parking and handicapped parking, restrooms, public telephone facilities, first aid stations, fallout shelters and other similar public service facilities.

II. "Sign, subdivision" means a sign identifying the name of a residential complex or neighborhood development included on a landscape feature including planter beds, fountains, decorative walls, or fences.

JJ. "Sign, temporary" means any commercial or residential sign (as defined in this section), not permanently attached to a building, post, or ground, including, but not limited to, banners, sandwich boards, sign persons, balloons, streamers, and air-filled figures, not to be continued after the expiration of the allowed time period.

KK. "Sign, traffic control" means a public or private sign, permanently installed to inform, guide, and control vehicles, pedestrians, and bicyclists.

LL. "Sign, vehicle" means any sign, logo, or advertisement placed, painted, attached, or displayed on a vehicle advertising a company, store, or service.

MM. "Sign, yard" means a small temporary sign, typically constructed out of corrugated plastic, or similar light weight material.

NN. "Site" See definition of lot.

OO. "Site plan" means a plan prepared to scale showing, accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

PP. "Small Wind Energy Conversion Systems" (SWECS) means a wind energy system consisting of at least one of the following: a wind turbine, tower, and associated controls or conversion electronics, and is intended to solely reduce on site consumption of supplied utility power, is incidental and subordinate to a permitted use on the same parcel. Small wind energy systems shall not have a nameplate rated capacity of greater than 15 kilowatts for residential uses or 100 kilowatts for commercial or industrial uses.

QQ. "Special Flood Hazard Area" (SFHA) means the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, or A99.

RR. "Special use permit" means a permit issued by the Board of Adjustment that authorizes the recipient to make use of the property in accordance with the requirements of this title as well as any additional requirements imposed by the Board of Adjustment, the Planning and Zoning Commission, or the Council. A special use permit may be issued only for those uses listed under the "special uses" of this title.

SS. "Specified anatomical areas" means less than completely and opaquely covered human genitals, mature human buttocks, mature human female breasts below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.

TT. "Specified sexual activities" means human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, or sodomy, fondling, or other touching of human genitals, pubic region, buttock, or female breast, minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.

UU. "Stables"

(1) Private Stable. A building or structure used, or intended to be used, for housing horses belonging to the owner of the property and for noncommercial purposes.

(2) Public Stable or Riding Academy. A building or structure used, or intended to be used, for the housing of horses on a fee basis. Riding instructions may be given in connection with a public stable or riding stable.

(3) Riding Club. A building or structure used, or intended to be used, for the housing only of horses by a group of persons for noncommercial purposes.

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

WW. "Story" means a portion of the building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above, not including unfinished attics. If the finished floor level directly above a basement or cellar is more than six feet above, such basement or cellar is considered a story.

XX. "Street" means any thoroughfare or public space that has been dedicated or deeded to the public for public use, primarily to provide principal means of access to abutting property.

YY. "Structural alterations" means any replacement or change in the shape or size of any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, arches, girders, floor joist, roof joist, or roof trusses, beyond ordinary repairs and maintenance.

ZZ. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, or other similar uses.

AAA. "Structure, accessory" means any structure that is not considered a building, including, but not limited to: decks, fences, landscaping, signs, pools, walls, temporary/permanent domesticated animal runs.

BBB. "Subdivision" means a division of a lot, tract, or parcel of land into three or more lots, plats, sites, or other subdivision of land for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorage, right-of-way dedication, or other use.

CCC. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

DDD. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

(1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: 1) before the improvement or repair is started; or 2) if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: 1) any project for improvement of a structure to comply with existing State or local Health, Sanitary, or Safety Code specifications which are solely necessary to assure safe living conditions; or 2) any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

EEE. "Schools, elementary and secondary" means an educational institution consistent with NAICS Code 6111 Elementary and Secondary Schools and having an established curriculum the same as ordinary given in the local public school system. Student housing or dormitories are not included in this definition.

FFF. "Schools, post-secondary" means an educational institution consistent with NAICS Codes 6112 Junior Colleges, 6113 Colleges, Universities, and Professional Schools, and 6114 Business Schools and Computer and Management Training. Student housing or dormitories, student recreational centers, athletic facilities, and similar supporting uses commonly associated with post-secondary schools are not included in this definition.

GGG. "Schools, technical and trade" means an educational institution consistent with NAICS Code 6115 Technical and Trade Schools. For zoning purposes, technical and trade schools shall be interpreted to be the same use category as the job specific training it provides.

(Paragraphs EEE–GGG – Ord. [1156](#) – Feb. 25 Supp.)

20. Words beginning with "T."

A. "Telecommunications" means the transmission, between or among points as specified by the user, of information of the user's choosing, without change in form or content of the information as sent and received.

B. "Telecommunications antenna" means any system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

C. "Telecommunications satellite dish antenna" means any antenna in the shape of a shallow dish, and the appurtenant equipment, used for the reception of communications (television or otherwise) from orbiting satellites of ground transmitters. This definition includes those satellite dishes less than one meter in diameter.

D. "Telecommunications tower" means a tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purposes aboveground in a fixed location, freestanding, guyed, or on a building or other structure.

E. "Tenant frontage" means, in the case of determining permitted sign area, the dimension between the tenant separation walls along the side of the building containing the main business entry.

F. "Thrift shop" means an enclosed facility in which used personal items such as clothes, jewelry, or furniture are donated to a nonprofit business or organization that engages in the resale of the items. A retail store that sells used merchandise not donated for sale, including, but not limited to, used record stores, used bookstores, used furniture stores, used sporting goods, and used sports trading card stores, shall not be considered a thrift store for the purpose of this title.

G. "Topsoil" means a medium composed of naturally occurring mineral particles and organic matter, which provides physical, chemical, and biological properties necessary for plant growth.

H. "Tower-mounted WES" means a wind turbine that is mounted to a freestanding tower.

I. "Trailer" means any structure used for sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, sawhorses, or skirting, or being attached to a permanent foundation, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by automotive power or other means.

J. "Tree, evergreen" means any living, self-supporting woody perennial plant which, at maturity, attains a trunk diameter of at least three inches or more when measured at a point two feet above ground level and which normally displays green leaves or needles throughout the year.

K. "Tree, overstory" means any living, self-supporting woody perennial plant which, at maturity, attains a trunk diameter of at least three inches or more when measured at a point two feet above ground level and which normally attains an overall height of at least 15 feet, usually with one main stem or trunk and many branches.

L. "Tree, understory" means any living, self-supporting woody perennial plant, which, at maturity, normally attains an overall height of 10 feet. Trees with multiple trunk growth

characteristics shall have no more than five main trunks. These trees will provide the midlevel landscaping within the specified height range.

M. "Townhouse development" means a subdivision for attached or detached townhouse units wherein the land or lot beneath each dwelling unit may be individually owned by the owner of the dwelling unit and where the development is characterized by common elements, which are specified in or determined under the rules and regulations set forth by recorded covenants.

(Paragraph M – Ord. 1164 – Jul. 25 Supp.)

21. Words beginning with "U."

A. "Use" means the purpose or activity, for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

22. Words beginning with "V."

A. "Variance" means a modification of the specific regulations of this title granted by resolution of the Board of Adjustment in accordance with the terms of this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.

B. "Vehicle" means a conveyance for transporting people, goods, etc., especially over land.

C. "Vertical axis WES" means a wind turbine design where the rotating shaft is perpendicular to the ground and the blades rotate through a vertical plane.

D. "Video message board" means a sign that displays an electronic video, or collection of images and text on a screen or screen(s).

E. "Violation" means the failure of a structure or other development to be fully compliant with the regulations contained within the chapters of this title.

F. "Vision clearance" means an open, unoccupied triangular space at the street corner or a corner lot, the space being defined as a setback line extending across the corner between points established 25 feet along the right-of-way lines by measurement from the corner.

23. Words beginning with "W."

A. "Wind Energy System" (WES) means an electrical generating facility comprised of an aggregation of parts such as a wind turbine, tower, transformer, power lines, or battery banks, used in a manner to convert wind into mechanical or electrical energy.

B. "Wind turbine" means any piece of electrical generating equipment that converts the mechanical energy of wind into electrical energy.

24. Words beginning with "X."

25. Words beginning with “Y.”

A. “Yard, corner interior” means, on a corner lot, a yard extending from the front yard to the rear yard and measured between the side lot line (adjacent lot) and the building or any projections thereof.

B. “Yard, front” means a yard extending across the full width of the lot and measured between the front lot line and the building. See Figure 11-2-1.3 of this section.

C. “Yard, rear” means a yard extending across the full width of the lot and measured perpendicularly between the rear lot line or its extension and the building or any projections other than steps, unenclosed balconies, porches, or decks. On both corner lots and interior lots, the rear yard is at the opposite end of the lot from the front yard. See figure 11-2-1.3 of this section.

D. “Yard, required” means any yard as required by the setback regulations of this title.

E. “Yard, secondary front” means, on a corner lot, the yard having frontage on a public street not having the main entrance to the principal building. See Figure 11-2-1.3 of this section.

F. “Yard, side” means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building or any projections thereof. See Figure 11-2-1.3 of this definition.

Figure 11-2-1.3

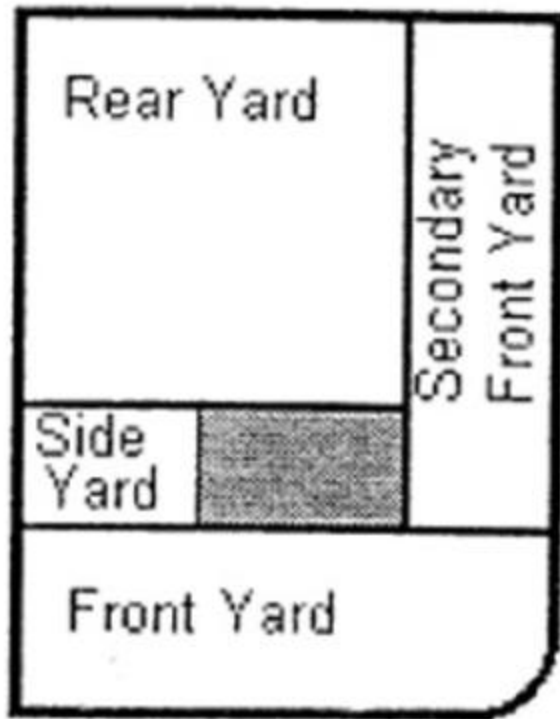


Figure 11-2-1.3

26. Words beginning with "Z."

A. "Zone" means any one of the classes of districts established by this title.

XII. SIGNS

Most signs within Clive require a permit before installation. Please discuss your proposed sign with Planning Division staff before ordering or installing to ensure it complies with the size and design requirements, and that all necessary permits have been issued. Please note, development specific covenants may have stricter standards than the City's Ordinance.

SIGN AREA

- The area of a sign is determined using actual dimensions where practical, or approximate dimensions when irregularity of a sign warrants.

Table of Standard Geometric Shapes and Area Formulas

Square or Rectangle	Height x Width
Circle	$\pi \times \text{radius}^2$
Oval	$\frac{1}{2} \text{ Height} \times \frac{1}{2} \text{ Width} \times \pi$
Triangle	$\frac{1}{2} \text{ Base} \times \text{Height}$

- Signs with multiple design features may be calculated as their individual parts when there is a logical way to break up the sign area.

Area = (6 x 3) + (3 x 1) + (1 x 2) = 23

Area = (0.75² x π) + (8 x 1) = 9.8

Example. The red boxes identify distinct parts of the sign that can have the area calculated.



Example. The dashed blue line shows an unacceptable sign area calculation.

- When a sign features a backer board, the area of the backer board is included in the sign area.

-
- Building signs are typically allowed 1.5 square feet of sign area per linear foot of tenant frontage of the building. In the event the tenant space has a setback of 250' or more, two square feet of sign area per linear foot of tenant frontage of the building is allowed.
 - Ground Mounted signs may be a maximum of 75 square feet when built at the required 15-foot setback. Signs built at the minimum 5-foot setback have a maximum sign area of 25 square feet. For permissible sign area at various setbacks, see Section 11-12-7 of the Code of City Ordinances.

SIGN ILLUMINATION

- Ground mounted and building signs may be illuminated.
- Signs may be lit from an external source when the lighting is an integrated part of the site design and landscaping plan.
- No sign shall have an exposed light diode or element; all sign lighting or illumination must be diffused.
- All sign lighting or illumination shall be dimmable, including electronic message centers.
- Illuminated building mounted signs adjacent to and directed towards residential developments shall be installed with an automatic timer that is programmed to turn the sign lighting or illumination off outside of regular business hours.

BUILDING MOUNTED SIGN DESIGN

- Backer boards are not intended to include architectural features of the building. If a colored background is a substantial and integrated part of the building design, it will not be calculated in the sign area.



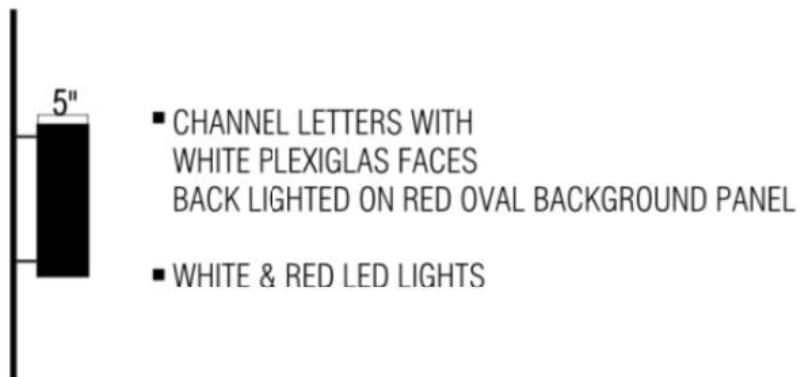
Example. The red siding on Casey's is not a backer board.



Example. The blue behind the Volvo sign is a backer board. The blue backer is intended to frame the sign area, and is not a substantial or integrated portion of the building's architectural design.

- Backer boards with design features shall use direct digital print or a single piece of applied vinyl to prolong the life of the sign and reduce wear.
- Backer boards may be illuminated or non-illuminated, but the individual dimensional letters on signs with a backer board must be illuminated.

Example. Illuminated channel letters mounted on a backer board.



- Push-through or routed letters are permissible, but the signs must be internally illuminated.
Examples. On the left is a push-through sign with illuminated letters. On the right is a routed sign that is internally illuminated.



- “Can” or “Cloud Channel” signs shall not meet the requirement that a sign be “principally comprised of individual” letters. “Can” signs may be utilized as capsule signs comprising no more than 25% of the installed sign area, as defined in the Zoning Ordinance.



Example. "Can" or "Cloud Channel" sign not in compliance.



Example. Applebee's logo "Can" sign in compliance with 25% of sign area.

- Building mounted private traffic control signs are limited to two square feet. These signs do not count toward the total building sign area. In no case can a building mounted sign project more than 12" from the building face.

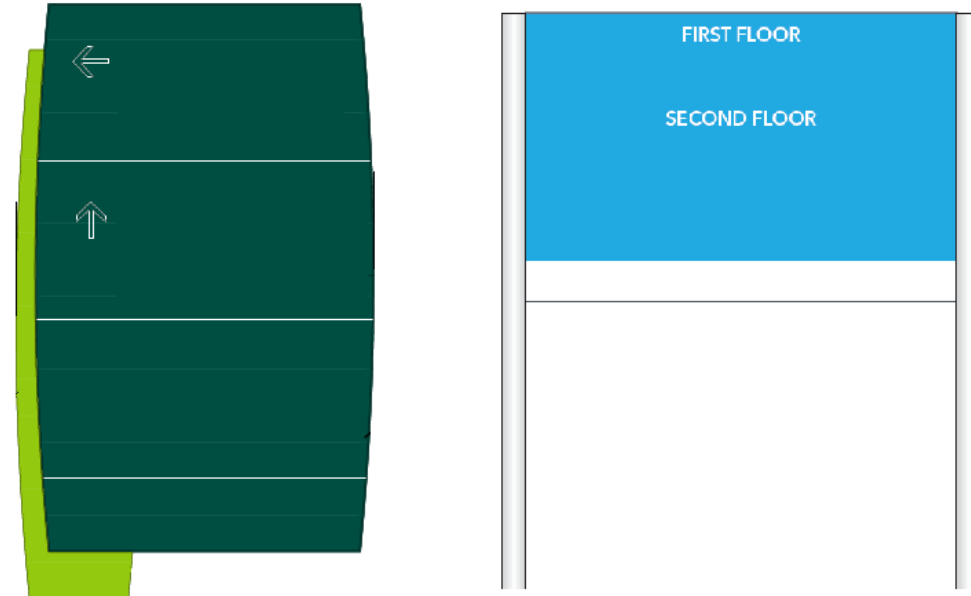
Example. Building mounted private traffic control projecting from the building face.



- Vinyl applied business identification may be used as private traffic control on rear service and delivery doors to aid in locating the correct business.

GROUND MOUNTED SIGN DESIGN

- Typically, ground mounted signs should have frost protected footings. Additionally, footings for signs over 5' in height require a design prepared by a structural engineer.
- Materials for ground mounted or private traffic control signs shall be the same as or complimentary to the primary buildings on-site. Signs within a single development should match or be complimentary.



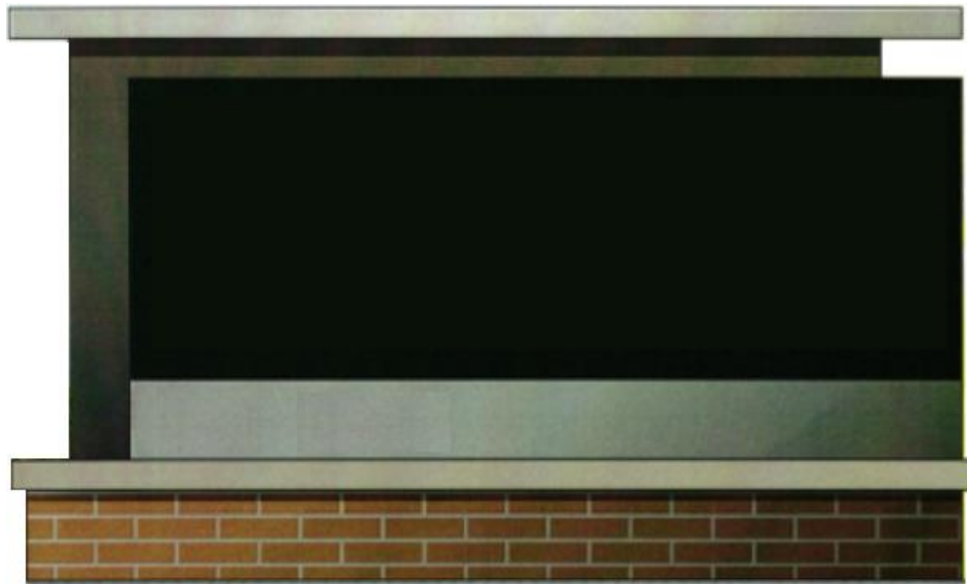
Example. These private traffic control signs are not complimentary and cannot both be installed within the same development.

- Ground mounted signs shall be designed with a 6" surround and 12" base made of brick, stone, block, architectural paneling, or similar high-quality materials that are similar and/or complimentary to the primary building. The top of the sign should be finished, and not be open to the sign cabinet. The sign area may either be a cabinet integrated into the sign surround, or dimensional letters applied to the sign face.



Examples. The sign on the left has a sign cabinet with changeable graphics. The sign on the right has letters and logos applied directly to the sign face. Both are acceptable, so long as the entire sign cabinet is surrounded by a high-quality finish material.

- Alternative designs for ground mounted signs may be approved, provided the design is of high-quality materials that completely surround the sign cabinet (if present), and the materials and design complement the development and associated buildings.

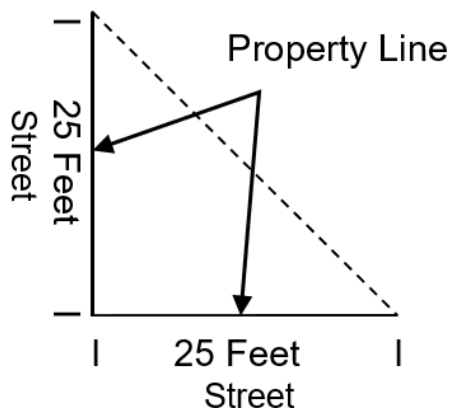


Example. This asymmetrical sign does not feature a consistent 6" surround matching the brick base; however, it utilizes materials and colors from the primary building and is of high-quality design. Graphics are directly mounted to the sign face. There is no exposed sign cabinet; the finished edge is an architectural paneling material.



Example. This sign is mounted directly on a retaining wall. The sign location complies with the maximum sign height, minimum required setbacks, and does not exceed the allowable sign area on-site.

- Placement of ground mounted signs shall not conflict with the 25' vision clearance area. Additionally, staff may require a proposed sign to be relocated if it is determined placement as proposed would create unsafe conditions at a driveway or similar point of conflict.

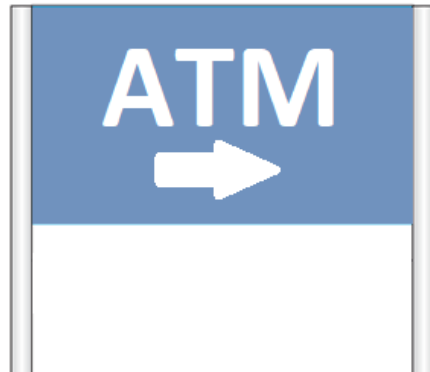


- Details for non-internal illumination, such as manufacturer cut sheet for light fixture and mounting location and height, must be specified on the site plan. In the event illumination is proposed to be added to an existing sign or a new sign that is not part of a site plan approval, the same details for non-internal illumination must be submitted to the City for approval by staff. Ground mounted lighting shall be incorporated into the site landscaping, and may require additional landscaping around the sign base.

GROUND MOUNTED PRIVATE TRAFFIC CONTROL SIGNS

- Ground mounted private traffic control signs do not count toward the total permissible sign area.
- Ground mounted private traffic control signs do not require a sign permit; however, when a sign exceeds 4' in height the construction services division should be consulted to ensure proper footings and wind loads have been met.
- Private traffic control signs should not include business names or logos.
- Generally, private traffic control signs should not exceed 20 square feet in size.

Example. Private traffic control sign directing customers to an ATM. There is no business name or logo located on the sign.



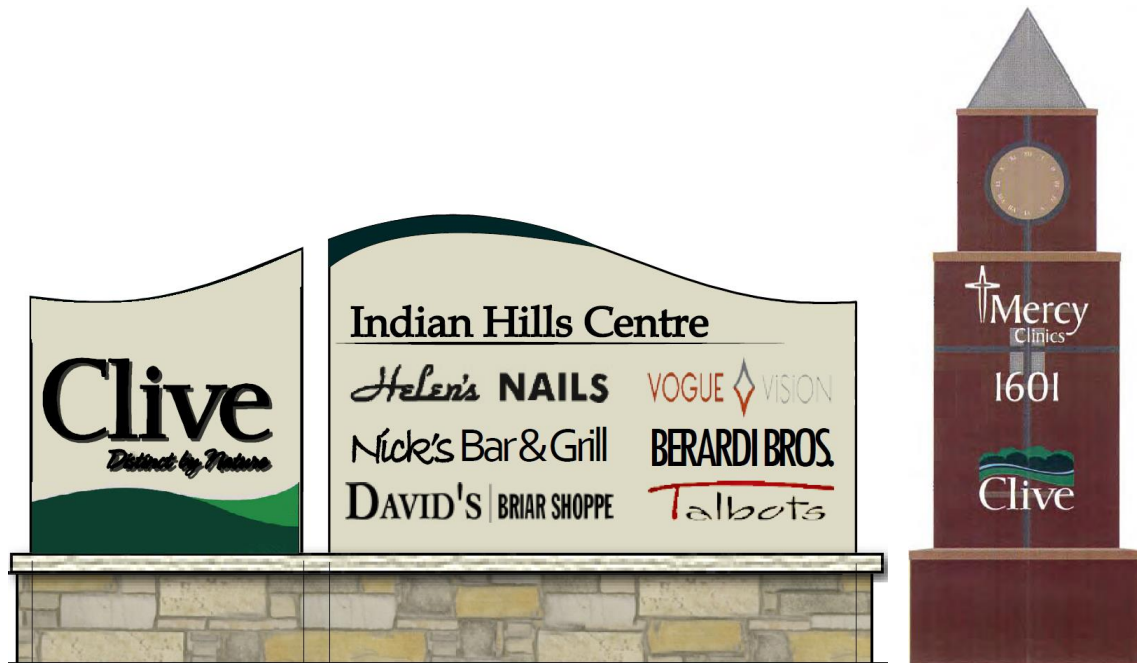
PUBLIC FACILITY SIGNS

In 2012 the City of Clive completed a signage study and developed the live City-Wide Signage Master Plan. The intent of public facility signs is to create a unique and identifiable brand for the City through high-quality and consistent entry and wayfinding signage. The master plan identifies several types of public facility signs. In relation to private development, the relevant sign types are the Major and Minor Gateway signs. These signs are intended to identify entrance to the community at pre-determined intersections and key locations.



Example. Major Gateway sign from the 2012 Signage Study

To further the Master Signage Plan, the City has partnered with developers to include public facility signs at key properties throughout the community. City Council approves all public facility signs, with a recommendation from the Planning and Zoning Commission. Generally, when public facility signs are used to provide signage for both the City and the private development, the area of the sign dedicated to each should be approximately equal. Creativity in the sign design is encouraged, so long as the eden stone and Clive logos are an integral part of the sign.



Examples. Installations of Public Facility Signs in cooperation with private development. On the left is a ground mounted sign installed at Indian Hills Shopping Center. On the right is a building mounted sign installed at one of the Mercy facilities.



**ZONING BOARD OF ADJUSTMENT
CITY OF CLIVE, IOWA
DECISION AND ORDER**

This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the property. A Certificate of Occupancy must be obtained before any structure is occupied or reoccupied after a change of use. Any conditions allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The conditions allowed by this Order must commence within 90 days or this Order will be void and of no further force and effect.

CASE NUMBER: BOA25-000002

APPLICANT: Tate Muilenburg, on behalf of FastSigns and Shaw Spine and Sport

PROPERTY: 2555 BERKSHIRE PKWY, Suite F

PUBLIC HEARING: Oct 21, 2025

AFFECTED CODE SECTION: 11-12-6(3)

VARIANCE REQUESTED: requesting a variance to allow capsule style signs to constitute 75% of the total installed signage of a building mounted sign.

FINDINGS OF FACT

Testimony was taken at the public hearing at 1900 NW 114th Street, Clive, Iowa on Oct 21, 2025. At that hearing, Amanda Grutzmacher, Senior Planner, represented the City of Clive. Tate Mulienburg on behalf of FastSigns and Shaw Spine and Sport were present on behalf of the applicant.

The following information was presented at the hearing:

1. The Subject Property is located at 2555 Berkshire Parkway, legally described as Lot 10, Berkshire Commons Office Park Plat 1, in a C-3 Planned Office Park Commercial District.
 - At the time of the public hearing and deliberation by the Board, the subject property was owned by Two Peds and a Pod, LLC. The applicant is a tenant within the building: Shaw Spine and Sport.
 - The subject property is an existing building built in 2001, Shaw Spine and Sport has been in Suite F since 2013.

- The applicant is requesting to be allowed to install 75% of their signage to be comprised of "capsule" signage in order to display their logo and additional text outside of the individual letters.
- Section 11-12-6(1)(A) states: One and a half square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of 100 square feet.
- Section 11-12-6(3) states: All building signs shall be principally comprised of individual channel letters or similar solid construction letters, at least one inch in thickness.
- Section 11-12-6(3) states: Push through, routed letters, and dimensional letters on backer boards, provided they are internally illuminated, shall be permitted.
- Section 11-12-6(3) states: For the purpose of displaying letters, symbols, or logos, no more than 25 percent of the total sign area may be allotted to an awning or capsule sign. The design standards further defines "total sign area" as the installed sign area.
- Section 11-2-1(19)(M) states: "Sign, capsule" means a sign fabricated from metal, aluminum, or some other material with a face constructed out of a panel product."
- The Development Standards Manual Version 202401, Section XII. Signs provides additional clarification and graphic examples of building mounted sign area calculations.
- The Development Standards Manual Version 202401, Section XII. Signs states: "Can" or "Cloud Channel" signs shall not meet the requirement that a sign be "principally comprised of individual" letters. "Can" signs may be utilized as capsule signs comprising no more than 25% of the installed sign area, as defined in the Zoning Ordinance.
- The subject suite is permitted to install up to 49.5 total square feet of building sign area.
- The subject suite had previously been issued Sign Permit #13-6281 for the previous building sign. The previously installed sign was approximately 9.06 square feet with individual cut letters 7" tall, a 5" tall capsule, and did not include a logo.
- The applicant submitted SGN25-000006 sign permit application on February 26, 2025. The proposed building sign was approximately 8.93 square feet, including the logo, with individual cut letters 4.9" tall, and a 3.96" tall capsule.
- Staff comments on SGN25-000006 sign permit application were emailed to the permit applicant on March 6, 2025. Said comment stated: "The logo and capsule under the individual letters need to be sized so that it only comprises 25% of the total proposed signage, or it will need to be dimensionally layered and illuminated. Currently both features comprise approximately 75% of the proposed signage."
- Staff further clarified the comment in an email exchange with Fast Signs on April 10, 2025 stating: "Building mounted signs can have logos or other small panels (similar to the Chiropractic | Rehab | Performance panel) as part of the overall sign - Clive's ordinance calls those "capsule" signs. Capsule signs shall comprise no more than 25% of the total installed sign area. The ordinance also allows for routed, push through, or other sign designs utilizing a backer; however, these types of signs are required to be illuminated. Only individual channel letters or solid construction letters with a minimum 1" thickness wouldn't need to be illuminated." The email exchange additionally stated: "The sign ordinance has been amended since the current sign was permitted and the " Chiropractic | Rehab | Performance" panel no longer complies with the ordinance as it is more than 25% of the installed sign area. This sign can remain and the vinyl could be updated, but it could not be removed and replaced with a new, otherwise identical sign. The proposed logo also does not fall within 25% of the sign area as designed."

- On May 30, 2025 staff identified the proposed sign had been installed without a permit and contacted Tate Muilenburg with FastSigns, as the primary contact that had been working with staff. FastSigns advised they were working with the client for an alternative, asking for clarification on internally mounted signage regulations. Staff advised the code does not regulate internally mounted signage, and that staff needed a new sign specification sheet demonstrating the removal of the logo to move forward.
- Staff reached out to the applicant for SGN25-000006 again on July 28, 2025, providing that updated sign specifications needed to be sent in by July 30, 2025 or the installation would be seen as a code infraction.
- On July 30, 2025 Shaw Spine and Sport reached out to Staff to gain clarity as they had been informed by FastSigns that the sign installation had been done incorrectly. Staff went over the issue being that the sign was not approved as designed and had been installed without a permit. Shaw Spine and Sport then advised that they would work with FastSigns to correct the issue, and asked for previous conversations to be forwarded to them, which staff provided the same day.
- On August 1, 2025 staff notified Code Enforcement of the unpermitted sign, however no official notice was mailed to the property owner.
- On August 7, 2025, Tate Muilenburg with Fast Signs called and discussed the unpermitted sign installation with Amanda Grutzmacher, Senior Planner. Amanda emailed Tate information on the variance application and process.
- On August 28, 2025 staff changed SGN25-000006 permit status to Denied.
- On September 8, 2025 Tate Muilenburg emailed Amanda Grutzmacher typed responses for the variance application. On September 11, 2025 Amanda Grutzmacher created the variance application BOA25-000002 in the CitizenServe permit portal on Muilenburg's behalf.
- The applicant states that the practical difficulty is that the "business will not be able to have the logo on the building for their business. which could cause a decline in foot traffic and expose blemishes on the walls from past signage. With the Area of the building limiting the layout and the amount of signage that can be used" and that "Due to the small area of the building where the signage can go there is not enough space to make the letters larger so the logo is less than 25%. The logo is now just barely visible from the road. Making it smaller would render it useless."
- The applicant states that the practical difficulty is not self imposed as " The area of the building where the signage goes can only fit a max amount of signage of 24 inches tall and 96 inches wide. It would make the "Shaw Spine and Sport" have oddly shaped letters due to the size of the area on the building for signage. Making the signage smaller will limit the visibility for the customers to see when driving by with the amount of space that the building can support."
- The applicant states the public interest is protected as "The business will be able to have their logo on the building and will draw more business. It will not result in injury since the way they are installed is that they are stud mounted to the wall and no piece weighs more than a pound or two"
- The applicant states that the request is consistent with the spirit and intent of the zoning ordinance and comprehensive plan as "The letters are 1 inch pvc stud mounted to the wall signage area with the pill and logo being smaller. and everything is within the allowed square foot amount."
- Staff has identified alternatives to the unpermitted signage that would be compliant with the sign regulations:
 1. increasing the size of the individual letters so that the "capsule" components are only 25% of the total installed signage
 2. decreasing the size of the logo to be within 25% of the installed signage and not removing the existing capsule sign under the individual letters
 3. installing individual letters in place of the "Chiropractic | Rehab | Performance" capsule and adjusting the logo to be within 25% of the total installed signage

4. moving the logo in its current size to an interior space such as a window or entry way where the regulations for building mounted signs would not affect its design.
5. install illuminated channel letters onto the panels of the logo and capsule

DECISION AND ORDER

Based upon this information and it's interpretation of the cited code provisions, the general sentiment of the Board is that:

1. The subject property **DOES / DOES NOT** have unique physical characteristics.
2. The hardship stated above **IS / IS NOT** self-imposed.
3. The hardship stated above **IS / IS NOT** based solely on property value or other financial considerations.
4. The granting of the variance **IS / IS NOT** necessary for the reasonable use of land for a permitted use in the property's zoning district designation.
5. The granting of the variance **IS / IS NOT** in harmony with the general purpose and intent of Title 11 Zoning Regulations of the City of Clive Code of Ordinances.
6. The granting of the variance **WILL / WILL NOT** be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. The variance requested **IS / IS NOT** the minimum variance that will accomplish this purpose. If the variance requested is not the minimum required, a lesser variance may still be approved.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested variance from Section [code] of the Clive Zoning Ordinance for the above-described property for Case # BOA25-000002 - 2555 BERKSHIRE PKWY is:

_____ DENIED

_____ GRANTED AS REQUESTED

_____ GRANTED AS FOLLOWS:

Signed and entered into record on the _____ day of _____, 2025.

Robert Forte, Chair

Kelly Rivera, Secretary