

Topic:	Comprehensive Planning; Natural Resource Protection & Conservation
Resource Type:	Regulations
State:	Iowa
Jurisdiction Type:	Municipal
Municipality:	City of Iowa City
Year (adopted, written, etc.):	1995-2003
Community Type - applicable to:	Urban; Suburban
Title:	Iowa City Sensitive Areas Ordinance
Document Last Updated in Database:	February 24, 2016

Abstract

The Sensitive Areas Ordinance (14-6K-1) was created to implement the environmental policies of the city's comprehensive plan. It defines the reasonable use of properties which contain environmentally sensitive features. Sensitive features include wetlands, fully hydric soils, prairies remnants one acre or larger, stream corridors, archeological sites, steep slopes (18-24%), critical slopes (25-39%), protected slopes (40%+), and woodlands greater than or equal to 2 acres.

Resource

14-6K-1: SENSITIVE AREAS ORDINANCE:

A. Purpose: The purpose of the Sensitive Areas Ordinance is to:

1. Implement the environmental policies of the Comprehensive Plan, as amended.
2. Permit and define the reasonable use of properties which contain environmentally sensitive features and natural resources while recognizing the importance of environmental resources and protecting such resources from destruction.
3. Provide for ecologically sound transitions between protected environmentally sensitive areas and urban development.
4. Protect the public from injury and property damage due to flooding, erosion, and other natural hazards which can be exacerbated by development of environmentally sensitive land.
5. Foster urban design that preserves open space and minimizes disturbance of environmentally sensitive features and natural resources.
6. Provide for the mitigation of disturbances of environmentally sensitive features and natural resources through requiring and implementing mitigation plans, as needed.
7. The Sensitive Areas Ordinance is intended to cover industrial and commercial properties, as well as residential properties, unless otherwise exempted herein.

B. Definitions: The following definitions apply to the interpretation and enforcement of the Sensitive Areas Ordinance regulations: (Ord. 95-3699, 12-5-1995)

ARCHAEOLOGICAL SITE, SIGNIFICANT: An archaeological site of prehistoric or historic significance that is considered by the State Historic Preservation Officer to be eligible for the National Register of Historic Places. (Ord. 96-3744, 9-10-1996)

BUFFER: An area of land that is located adjacent to a designated sensitive area and provides a transition area that protects slope stability, attenuates surface water flows and preserves wildlife habitat and protected wetlands, stream corridors and woodlands.

BUFFER, NATURAL: A land area located adjacent to a protected sensitive area where development activity such as building, grading, or clearing are prohibited unless otherwise exempt herein.

COMPENSATORY MITIGATION: Creating a new wetlands or enhancing or expanding an existing wetland in exchange for allowing development activities to occur within an existing wetland. (Ord. 95-3699, 12-5-1995)

CONSTRUCTION AREA: The portion of a parcel of land where development activity, including the temporary storage of heavy equipment, and other improvements may take place and be located. (Ord. 96-3744, 9-10-1996)

DEVELOPMENT ACTIVITY: Any human-made change to improved or unimproved real estate, including but not limited to the placement of manufactured housing, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and construction activities. Development activity does not include transfer of ownership.

DIAMETER, TREE TRUNK: The diameter of a tree trunk measured at four and one-half feet (4 1/2') above ground; if on a slope, measured from the high side of the slope. In the case of a tree with multiple trunks, the diameter shall be the average of the diameters of all the trunks.

DIRECT DISCHARGE: The discharge of untreated surface water into a wetland from a developed or developing property through the use of an underground pipe, culvert, drainage tile, ditch, swale, channel or other means.

FLOOD EVENT; 100-YEAR: A flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year, or which on the average will be equaled or exceeded at least once every one hundred (100) years.

FLOOD PLAIN: Any land area susceptible to being inundated by water as a result of a specific frequency flood. For instance, the 100-year flood plain is the area of land susceptible to being inundated by a 100-year flood event.

FLOODWAY: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge flood waters so that confinement of flood waters to the floodway area will not result in substantially higher flood elevation. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway limits.

FULLY HYDRIC SOILS: Soils susceptible to water saturation, and designated as fully hydric soils by the USDA Soil Conservation Service, or its successor, as of December 1993.

GRADING: Any excavating or filling or a combination thereof, including compaction.

GROVE OF TREES: Ten (10) or more individual trees having a diameter of at least twelve inches (12"), and whose combined canopies cover at least fifty percent (50%) of the area encompassed by the trees. (Ord. 95-3699, 12-5-1995)

HISTORIC OBJECT: An artifact greater than one hundred (100) years of age. (Ord. 96-3744, 9-10-1996)

PRAIRIE REMNANT: Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties and contain primarily a mixture of native warm season grasses interspersed with native flowering plants. Known extant prairie remnants are identified on the Iowa City Sensitive Areas Inventory Map - Phase I.

PREHISTORY: Relating to or existing in times antedating written history (prior to approximately 1700 AD) in Iowa City.

SENSITIVE AREAS CONSERVATION TRACT: A separate tract which protects sensitive areas and associated buffers within planned developments, subdivisions and building site plans; held separately from buildable lots by an incorporated homeowners' association or a nonprofit conservation organization, or dedicated to the City.

SENSITIVE AREAS DEVELOPMENT PLAN: A plan required to be submitted and approved in conjunction with a sensitive areas overlay (OSA) rezoning that designates protected sensitive areas and associated buffers within a planned development.

SENSITIVE AREAS INVENTORY MAP - PHASE I: The Map of the Iowa City service area with designations of potential environmentally sensitive areas, such as woodlands, wetlands, flood plains, steep slopes, hydric soils, prairie remnants and geological, historical and archaeological features.

SENSITIVE AREAS OVERLAY ZONE (OSA): A planned development rezoning of a tract of land that requires the approval of a sensitive areas development plan, which designates protected sensitive areas and their associated buffers on said tract.

SENSITIVE AREAS, PROTECTED: Portions of a parcel of land containing environmentally sensitive features that are designated on an approved sensitive areas site plan or a sensitive areas development plan and where no development activity is allowed.

SENSITIVE AREAS SETBACK LINE: A line delineated on a proposed development plan or site plan that establishes the no-build line around protected sensitive areas, such as wetlands, streams, steep slopes, and woodlands, and their required buffers.

SENSITIVE AREAS SITE PLAN: A site plan for development on a tract of land that does not require a sensitive areas overlay (OSA) rezoning and is not otherwise exempt, but which contains sensitive areas that warrant protection under an approved plan for protecting sensitive areas on said tract. (Ord. 95-3699, 12-5-1995)

SLOPE: An inclined ground surface, either naturally occurring or altered, with a vertical rise of at least ten feet (10'), and which is not otherwise approved by the City, such as City approval of a grading plan, prior to December 13, 1995. (Ord. 96-3744, 9-10-1996)

SLOPE, ALTERED PROTECTED: Any slope of forty percent (40%) or steeper created by human activity such as cutting or filling, which activity has occurred prior to December 13, 1995, and which slope is not otherwise approved by the City. (Ord. 96-3719, 3-5-1996)

SLOPE, CRITICAL: A slope of twenty five percent (25%), but less than forty percent (40%).

SLOPE, PERCENT OF: The slope of a designated area determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value.

SLOPE, PROTECTED: Any slope of forty percent (40%) or steeper.

SLOPE, STEEP: A slope of eighteen percent (18%), but less than twenty five percent (25%). (Ord. 95-3699, 12-5-1995)

SLOPES, REGULATED: Slopes defined herein as steep (18-24%), critical (25-39%), and protected (40%+). (Ord. 96-3744, 9-10-1996)

STREAM CORRIDOR: A river, stream or drainageway shown in blue (the blue line) on the most current U.S. Geological Survey Quadrangle Maps, and the area of its delineated floodway. In cases where no floodway is delineated, the blue line will serve as the center line within a thirty foot (30') wide stream corridor.

TREE, FOREST: Any tree two inches (2") in diameter or greater, and included on the list of forest trees approved by the City.

WETLAND SPECIALIST: An individual certified as a wetland specialist by the Society of Wetland Scientists, or its successor, and/or a person who can demonstrate to the City that they have expertise in wetland areas which may include delineation, mitigation and evaluation.

WETLAND, WETLAND AREAS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. For the purposes of this Section, "wetland" shall mean a jurisdictional wetland that is regulated by the U.S. Army Corps of Engineers, or its successor. Determination of jurisdictional wetlands shall be made either by the Corps or its successor or by a wetland specialist and accepted by the Corps or its successor.

WOODED AREAS: Includes woodlands and/or groves of trees, as defined in this Section.

WOODLAND CLEARING: The destruction or removal of trees within woodlands subject to this Section by physical, mechanical, chemical or other means, such that the clearing results in a total opening in the woodland canopy of twenty thousand (20,000) square feet or more.

WOODLAND, WOODLAND AREA: Any tract of land with a contiguous wooded area not less than two (2) acres and containing not less than two hundred (200) forest trees per acre. (Ord. 95-3699, 12-5-1995)

C. Applicability:

1. Sensitive Features:

a. Sensitive features governed by the sensitive areas ordinance include:

- (1) Jurisdictional wetlands as regulated by the U.S. army corps of engineers.
- (2) Floodways designated on either the current federal emergency management agency flood boundary and floodway maps for Iowa City and Johnson County or the Iowa City (1 inch = 100 foot scale) flood boundary and floodway maps.
- (3) Drainageways shown in blue on the current U.S. geological survey quadrangle maps.
- (4) Slopes eighteen percent (18%) or greater.
- (5) Woodland areas two (2) acres in size or greater.
- (6) Fully hydric soils as designated in the USDA soil conservation service soil survey of Johnson County, Iowa.
- (7) Prairie remnants as shown on the Iowa City sensitive areas inventory map - phase I, as amended.
- (8) Archaeological sites as determined by the state historic preservation officer or the state archeologist.

b. Prior to woodland clearing, grading or development activity on tracts of land or portions of tracts of land where sensitive features specified above exist, either a sensitive areas site plan or a sensitive areas overlay rezoning application, whichever is appropriate, shall first be submitted to and approved by the city. This application process may occur as part of site plan review, planned development overlay zoning and/or subdivision review. If the property is exempt, the applicant shall first apply for and obtain approval of the exemption from the city before development activity occurs.

2. Sensitive Areas Site Plan:

a. Sensitive Features: A property containing one or more of the following sensitive features but which does not require a sensitive areas development plan, shall require a sensitive areas site plan prior to development activity:

- (1) Wetlands.
- (2) Fully hydric soils.
- (3) Prairie remnants one acre in area or larger.
- (4) Stream corridors.
- (5) Archaeological sites.
- (6) Steep slopes (18-24%).
- (7) Critical slopes (25-39%).
- (8) Protected slopes (40%+).
- (9) Woodlands two (2) acres in size or greater.

b. Recording Requirement: An approved sensitive areas site plan that contains a protected sensitive area and/or buffer, or has a designated conservation easement, shall be recorded in the Johnson County recorder's office prior to issuance of any certificate of occupancy for the property. The recording is intended to provide notice to subsequent property owners that environmental limitations apply to the subject property.

c. Review And Approval Procedures: The procedures for review and approval of a sensitive areas site plan shall be in accordance with the site plan review regulations, as specified in sections [14-5H-3](#), and [14-5H-6](#) through [14-5H-8](#), "Building And Housing", of this title.

3. Sensitive Areas Overlay (OSA) Zone:

a. A sensitive areas overlay (OSA) rezoning is required prior to development activity which includes any of the following:

- (1) The disturbance of a wetlands or an associated buffer,
- (2) The removal of portions of a woodland in excess of the woodland retention requirements contained in subsection J3 of this section,
- (3) The disturbance of more then thirty five percent (35%) of critical slopes (25-39%) contained on a property, or
- (4) Disturbance of a protected slope (40%+) buffer as defined in the definitions section herein and as delineated on the maps referenced in subsection C1 of this section and/or verified as existing on the site.

b. A sensitive areas overlay rezoning requires a sensitive areas development plan that delineates protected sensitive areas and associated buffers in the manner of a planned development, which plan shall be submitted and approved as part of the rezoning.

c. Review and approval of a sensitive areas planned development shall be by ordinance in accordance with the planned development housing overlay zone (OPDH) procedures, as specified in subsection [14-6J-2D](#) of this chapter. (Ord. 03-4057, 1-21-2003)

D. Exemptions: The following activities are exempt from the requirements of this section:

1. Emergency/Public Safety: Grading, clearing, removal or other activities required for emergency situations involving immediate danger to life, health and safety, or which create an immediate threat to person or property or create substantial fire hazards.

2. Maintenance/Expansion: Normal maintenance/expansion of existing single-family or duplex residences. Exterior remodeling, reconstruction or replacement of single-family or duplex residences in existence as of December 13, 1995, provided the new construction or related activity connected with an existing single-family or duplex residence shall not increase the footprint of the structure lying within the sensitive area by more than a maximum total of one thousand (1,000) square feet, and also provided there is no encroachment by said activities, including grading, into a jurisdictional wetland, a designated sensitive areas conservation tract and/or protected sensitive area.

3. Construction: Construction of new single-family or duplex residences. Grading, clearing or development activities not to exceed a maximum total of twenty thousand (20,000) square feet in area on a tract of land for the purpose of construction, landscaping and/or associated improvements for one single-family or duplex residence, provided there is no encroachment by said activities into a jurisdictional wetland, a designated sensitive areas conservation tract and/or protected sensitive area.

4. Ditches And Wells: Drainage ditches/ground water monitoring wells. Normal and routine maintenance of existing drainage and storm water management facilities are exempt. This exemption includes vegetative maintenance for access and storm water/flood control purposes within and adjacent to drainageways. Except for temporary storage outside a wetland or water body, placement of fill or dredge spoils is not exempt under this subsection. Ground water monitoring wells, when constructed to standards approved by the city, are exempt.

5. Woodland Management Activities: Practices associated with "timber management standards" as defined by the International Society of Arboriculture, or its successor, or existing tree farming operations, such as Christmas tree farming, fruit or nut tree production and tree nurseries, during such time as the land is used for tree farming operations are exempt. (Ord. 95-3699, 12-5-1995)

6. Other Activities: Activities that disturb less than one acre of a wetland, provided such activities are approved by the U.S. army corps of engineers, or its successor, through a nationwide permit. (Ord. 96-3744, 9-10-1996)

E. Uses Permitted Within Protected Sensitive Areas And Buffers: Where it can be shown that a use will not be detrimental to the functioning of sensitive areas or associated buffers, or pose a public safety hazard, the following uses are permissible, subject to city approval during the application process set out herein:

1. Park land, private open space, and trails that provide opportunities for environmental interpretation and are designed to incorporate features that protect areas of wildlife habitat, water quality and the natural amenities in protected sensitive areas and buffers.
2. Stream crossings, such as bridges, roads and culverts, and/or streambank stabilization, which are designed to minimize the reduction of the flood carrying capacity of the stream and are in compliance with all federal and state regulations. (Ord. 95-3699, 12-5-1995)
3. Essential public utilities such as storm and sanitary sewers, water mains, gas, telephone and power lines, and storm water detention facilities are permitted if they are designed and constructed to minimize their impact upon the protected sensitive areas and associated buffers. A maximum of ten percent (10%) of a wetland or a protected slope and associated buffers may be disturbed to allow the installation of essential utilities if approved as part of a sensitive areas site plan. The disturbance of more than ten percent (10%) of a wetland or a protected slope and associated buffers shall require the approval of a sensitive areas overlay rezoning by the city council. The design and construction of utilities should also include measures to protect against erosion, pollution and habitat disturbance, and result in minimal amounts of excavation and filling. Upon completion of the installation of the public facility or line, the sensitive protected areas and associated buffers shall be restored by those persons responsible for the disturbance. (Ord. 03-4057, 1-21-2003)

F. Submittal Requirements: Prior to development activity defined herein where a tract of land contains the sensitive features listed in subsection C, "Applicability", of this section, and where the land must be developed in accordance with the provisions of the sensitive areas ordinance and is not otherwise exempt, the owner shall submit six (6) copies of a sensitive areas site plan and an application for its approval to the department of housing and inspection services, or its successor, or if required, shall submit ten (10) copies of a sensitive areas development plan and an application for a sensitive areas overlay (OSA) rezoning to the city clerk. (Ord. 95-3699, 12-5-1995)

1. Sensitive Areas Site Plan: Submittal information for a sensitive areas site plan shall include:

a. Submittal information required for a site plan review as specified in subsections [14-5H-4A](#) and B, of this title, the submittal requirements listed for [chapter 5, article H](#), "Site Plan Review", of this title.

b. Delineation of sensitive areas located on the property, including:

- (1) Wetlands.
- (2) Fully hydric soils.
- (3) Prairie remnants one acre in area or larger.
- (4) Stream corridors.
- (5) Archaeological sites.
- (6) Steep slopes (18-24%).
- (7) Critical slopes (25-39%).
- (8) Protected slopes (40%+).
- (9) Woodlands.

- c. Delineation of buffer areas and/or sensitive area conservation easements.
- d. Note in an accompanying letter whether archaeological site(s) exists on the property, but do not designate the exact location on the plan.
- e. Other data and information as may reasonably be required by the city, including requiring the delineation of a construction area on the plan as well as the location of fencing to protect sensitive features during construction. (Ord. 03-4057, 1-21-2003)

2. Sensitive Areas Development Plan: Submittal information for a sensitive areas development plan, which accompanies a sensitive areas overlay rezoning, shall include: (Ord. 96-3744, 9-10-1996)

- a. All the information required for a sensitive areas site plan, and
- b. Submittal information required by subsection [14-6J-2D](#), "Regulations", of this chapter, except in the case of commercial and industrial development, those submittal requirements applicable only to residential development shall not apply; and
- c. Delineation of the following sensitive areas located on the property:
 - (1) Wetland areas.
 - (2) Critical slopes.
 - (3) Protected slopes.
- d. Delineation of buffers and/or sensitive area conservation tracts for sensitive areas located on the property.
- e. Other data and information as may reasonably be required by the city.

3. Waiver: The city may waive any submittal requirements considered unnecessary for the review of a specific development activity.

G. Wetlands:

- 1. Purpose: The purpose of regulating development in and around wetlands is to:
 - a. Preserve the unique and valuable attributes of wetlands as areas where storm water is naturally retained, thereby controlling the rate of runoff, improving water quality, recharging ground water resources, providing erosion control and lessening the effects of flooding.
 - b. Promote the preservation of habitat for plants, fish, reptiles, amphibians and/or other wildlife.
 - c. Minimize the impact of development activity on wetland areas.
 - d. Provide a greater degree of protection for many wetland areas above and beyond that provided by the federal and state governments.

e. Minimize the long term environmental impact associated with the loss of wetlands.

2. Wetland Regulation By Other Agencies: The approval of a sensitive areas development plan or a sensitive areas site plan under the provisions of this section is in addition to the applicant's need to obtain permits required by other local, state, or federal agencies, and does not alter the applicant's obligation to satisfy and obtain all other applicable local, state or federal regulations and permits. (Ord. 95-3699, 12-5-1995)

3. Wetland Regulations:

a. Wetland Delineation:

(1) Prior to any development activity occurring on a site containing a potential wetland as defined above or as shown on the sensitive areas inventory map - phase I, the property owner shall provide a delineation of the wetland area(s) accepted by the U.S. army corps of engineers prior to the submittal to the city of a sensitive areas overlay rezoning application and a sensitive areas development plan, or a sensitive areas site plan, for city review.

(2) If the property owner certifies that no development activity will occur within one hundred fifty feet (150') of the apparent edge of a suspected or potential wetland area(s) on the site, the requirement for delineation by a wetland specialist or the corps may be waived by the city. In the case of a waiver, the property owner shall grant an easement running in favor of the city, an approved conservation group or other organization for the purpose of retaining the wetland and the surrounding one hundred fifty foot (150') protection area as undeveloped natural open space.

b. Wetland Buffer Requirements: A one hundred foot (100'), undisturbed, natural buffer shall be maintained between any development activity and a "wetland(s)" as defined in the sensitive areas ordinance, unless said development activity is exempted under subsection D, "Exemptions", of this section. The required yards established for the base zoning district shall be measured from the buffer edge, and shall be in addition to the required yard/setback and shall apply to parking lots as well. (For example, the RS-5 zone requires a 20 foot rear yard setback, which would be measured from the outside edge of the required 100 foot buffer. As a result, no building or parking lot could be located within 120 feet of the wetland.) The city may reduce the required natural buffer based on the following criteria provided that a sensitive areas overlay rezoning is approved by the city council: (Ord. 03-4057, 1-21-2003)

(1) The required natural buffer may be reduced by up to fifty feet (50') if it can be demonstrated by a wetland specialist that the wetland:

(A) Is less than five (5) acres in area; and

(B) Does not contain species listed by the federal and/or state government as endangered or threatened, or critical or outstanding natural habitat for those species; and

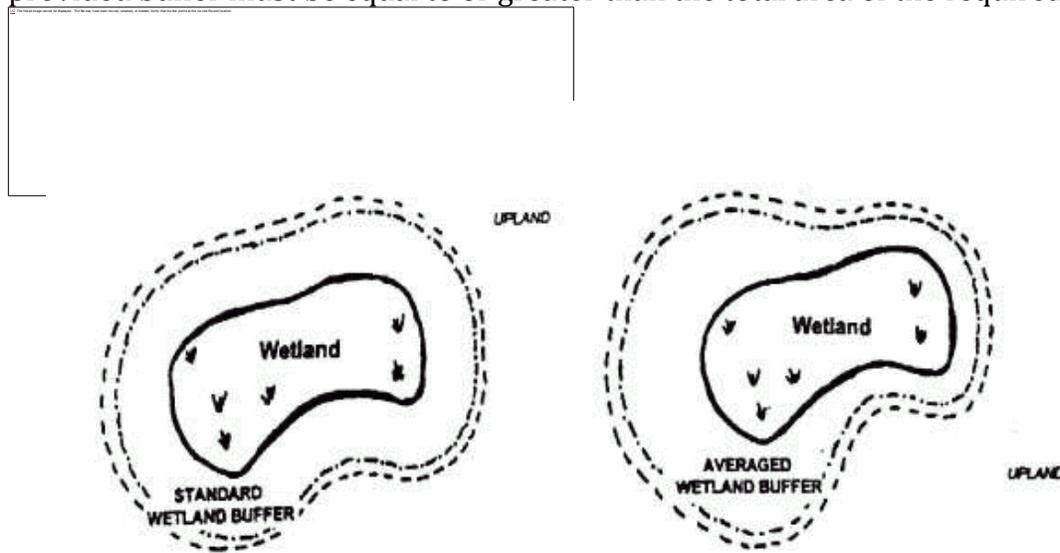
(C) Does not contain diverse plant associations of infrequent occurrence or of regional significance; and

(D) Is not located within a "stream corridor" as defined in the Sensitive Areas Ordinance.

(2) The required natural buffer may be reduced by up to seventy five feet (75') if it can be demonstrated by a wetland specialist that the wetland:

- (A) Satisfies the criteria listed in subsection G3b(1) above; and
- (B) Does not, in a year of average precipitation, contain standing water throughout the calendar year; and
- (C) Is not a forested wetland; and
- (D) Does not provide a known habitat for migratory birds of local or regional significance.

(3) Buffer averaging may be permitted or required where an increased buffer is deemed necessary or desirable to provide additional protection to one area of a wetland for aesthetic or environmental reasons. In this situation, the width of the required buffer around other areas of the wetland may be reduced by up to fifty percent (50%), but the area of the provided buffer must be equal to or greater than the total area of the required buffer.



(4) In determining whether to reduce or not to reduce the required buffer, the City shall consider the following:

- (A) The proposed land use of the property and its potential impact on the wetland.
- (B) The design and layout of the proposed development in relation to the wetland.
- (C) The physical characteristics of the site and the wetland.
- (D) Any other factor related to the short- or long-term environmental stability and health of the wetland.

c. Design Standards: (Ord. 95-3699, 12-5-1995)

(1) No grading, dredging, clearing, filling, draining, or other development activity shall occur within a delineated wetland or required buffer area, unless said activity is part of a mitigation plan as approved under subsection G4 of this Section, entitled *Wetland Mitigation*, or is a permitted use, such as a trail, allowed under the provisions of subsection E of this Section,

entitled *Uses Permitted Within Protected Sensitive Areas And Buffers* . (Ord. 96-3744, 9-10-1996)

(2) For property not served by a City sanitary sewer system, the location of septic tanks, soil absorption systems, holding tanks, or any other element of an on-site sewage disposal system must meet the required yard specified in the regulations of the base zoning district, as measured from the buffer edge. (Ord. 95-3699, 12-5-1995)

(3) To mitigate negative impacts of development and limit sedimentation, the direct discharge of untreated surface water from a development site or a developed area into a wetland may be prohibited. The partial treatment of storm water runoff through the use or combined use of constructed wetlands, detention basins, vegetative filter strips, sediment traps or other means before the storm water runoff reaches a wetland will be considered as part of a mitigation plan as provided in subsection G4 of this Section, entitled *Wetland Mitigation* . In such case, the discharge should not increase the rate of flow or decrease the water quality of the wetlands unless it can be shown by a wetland specialist that an increase in the rate of flow will enhance rather than adversely impact the wetland. (Ord. 95-3699, 12-5-1995; amd. Ord. 96-3744, 9-10-1996)

(4) On any lot containing a wetland, erosion control measures, whether required under Article 5I of this Title, entitled *Grading Ordinance* , or as part of a mitigation plan approved under the provisions of the Sensitive Areas Ordinance, shall be installed prior to any development activity occurring on the site.

(5) The planting of foreign or invasive species, including intrusive native varieties, in wetland or buffer areas shall be prohibited. Only nonintrusive native species shall be used to supplement existing vegetation. (Ord. 95-3699, 12-5-1995)

(6) The removal of foreign or invasive species, including intrusive native varieties, within a wetland or buffer area may be permitted when approved as part of a mitigation plan as provided under subsection G4, entitled *Wetland Mitigation* , of this Section. (Ord. 96-3744, 9-10-1996)

(7) Where it is determined that the area occupied by the required buffer provides little natural protection to the wetland due to previous land disturbance, enhanced vegetative cover shall be provided within the buffer area to help filter and slow the flow of surface water. The enhanced vegetation shall consist of species that are known to be noninvasive to wetland areas. (Ord. 95-3699, 12-5-1995)

4. Wetland Mitigation: A sensitive areas overlay rezoning/sensitive areas development plan or sensitive areas site plan for property containing a "wetland", as defined in the Sensitive Areas Ordinance, shall include a mitigation plan showing that all regulations contained in subsection G3 of this Section, entitled *Wetland Regulations* , will be met. Avoiding a delineated wetland area and minimizing the impact of development on a wetland is strongly encouraged, and shall be investigated before compensatory mitigation will be considered.

a. In addition to the submittal requirements contained in subsection F, entitled *Submittal Requirements*, of this Section, a wetland mitigation plan shall include the following information: (Ord. 95-3699, 12-5-1995; amd. Ord. 96-3744, 9-10-1996)

- (1) The type and location of erosion control measures to be placed on the property prior to any other development activity occurring on the site.
- (2) The boundaries of the delineated wetland and the required natural buffer area.
- (3) Certification by a wetland specialist or the U.S. Army Corps of Engineers, or its successor, regarding the wetland delineation, if required. (Ord. 95-3499, 12-5-1995)
- (4) Information regarding the characteristics of the wetland necessary to determine the allowable buffer reduction as provided in subsection G3b, entitled *Wetland Buffer Requirements*, of this Section, if a reduction is requested.
- (5) A storm water management plan indicating that the requirements of Article 3G of this Title, entitled *Storm Water Collection, Discharge And Runoff*, and subsection G3c(3) of this Section, which is listed under *Design Standards* and addresses storm water runoff and sedimentation, will be met. (Ord. 96-3744, 9-10-1996)

b. Compensatory mitigation may be permitted only if it is clearly demonstrated that avoiding and minimizing the impact on a wetland is unreasonable. A permit for any development activity within a wetland area is required by the U.S. Army Corps of Engineers or its successor. If a permit is granted for development activity within a wetland, compensatory mitigation shall be required based on the following criteria, unless a greater degree of compensation is required by the Corps or its successor:

(1) Wetlands containing species listed by the Federal or State government as endangered or threatened, or containing critical or outstanding natural habitat for those species, wetlands containing the presence of diverse plant associations of infrequent occurrence or of regional importance, and wetlands located within "stream corridors" as defined in this Sensitive Areas Ordinance (Section [14-6K-1](#)) shall be considered protected, "no build" wetland areas. Compensatory mitigation will be considered only if the wetland disturbance is relatively small in relation to the overall wetland and if it can be shown that the disturbance will not have an adverse impact on the overall wetland. If compensatory mitigation is permitted for a wetland meeting these characteristics, the required replacement ratio of comparable habitat replaced to habitat lost shall be at least three to one (3:1). (Ord. 95-3699, 12-5-1995)

(2) The replacement ratio of comparable habitat replaced to habitat lost shall be at least two to one (2:1) for wetlands not meeting the criteria listed in subsection G4b(1) above, which is listed under *Wetland Mitigation* and addresses compensatory mitigation for protected wetland areas, but containing: (Ord. 96-3744, 9-10-1996)

(A) Standing water throughout the calendar year under average precipitation,

(B) Forested wetlands, and/or

(C) Wetlands providing a known habitat for migratory birds of regional or local significance.

(3) Compensatory mitigation for all other wetlands regulated under the Sensitive Areas Ordinance shall be at a ratio of at least one to one (1:1). If said wetland and/or the replacement habitat is enhanced to meet one or more of the criteria listed in subsections

G4b(1) or G4b(2) above, the required replacement ratio may be reduced to 0.5:1. (Ord. 95-3699, 12-5-1995)

c. Where compensatory mitigation is proposed, the mitigation plan specified in subsection G4, entitled *Wetland Mitigation*, of this Section, must be prepared by a wetland specialist. A compensatory mitigation plan must include the following components: (Ord. 96-3744, 9-10-1996)

(1) An assessment of the value of the wetland being replaced to determine the appropriate replacement ratio;

(2) A clear statement of the goals of the mitigation plan, including specific statements regarding the expected rate of establishment of a vegetative cover over specified periods of time;

(3) Analysis of the soils, substrate and hydrology of the proposed site of the constructed or expanded wetland in terms of their suitability to provide a proper growing medium for the proposed vegetation;

(4) A list of the plant species to be used, which should include only native, noninvasive species, and their proposed locations. Transplanting as much of the native vegetation from the original wetland as possible, as well as the upper six to twelve inches (6"-12") of the soil is encouraged; and

(5) Provisions for monitoring the condition of the new or enhanced wetland area for a period of five (5) years, and identification of the party responsible for replanting in the event of poor initial growth or predation resulting in a failure of over thirty percent (30%) of the planted stock. Information collected during the monitoring process shall be submitted to the City annually and include the following:

(A) Data on plant species diversity and the extent of plant cover established in the new or enhanced wetland; and

(B) Wildlife presence; and

(C) Data on water regimes, water chemistry, soil conditions and ground and surface water interactions; and

(D) Proposed alterations or corrective measures to address deficiencies identified in the created or enhanced wetland, such as a failure to establish a vegetative cover or the presence of invasive or foreign species.

H. Stream Corridors:

1. Purpose: The purpose of regulating development in and around stream corridors is to:

a. Preserve the value of stream corridors in providing floodwater conveyance and storage.

b. Promote filtration of storm water runoff.

c. Reduce streambank erosion.

d. Protect and enhance wildlife habitat. (Ord. 95-3699, 12-5-1995)

2. Stream Corridor Regulation By Other Agencies: The approval of a sensitive areas overlay rezoning/sensitive areas development plan or a sensitive areas site plan shall be in addition to the applicant's need to obtain permits required by other local, State or Federal agencies,

and does not alter the applicant's obligation to satisfy and obtain all other applicable local, State or Federal regulations and permits.

3. Stream Corridor Regulations: Any property located adjacent to the Iowa River or another stream corridor in Iowa City will be required to submit a sensitive areas site plan, unless said property qualifies for an exemption under subsection D, entitled *Exemptions*, of this Section, or is considered under a sensitive areas overlay rezoning/sensitive areas development plan review required for another sensitive feature on the site. (Ord. 96-3744, 9-10-1996)

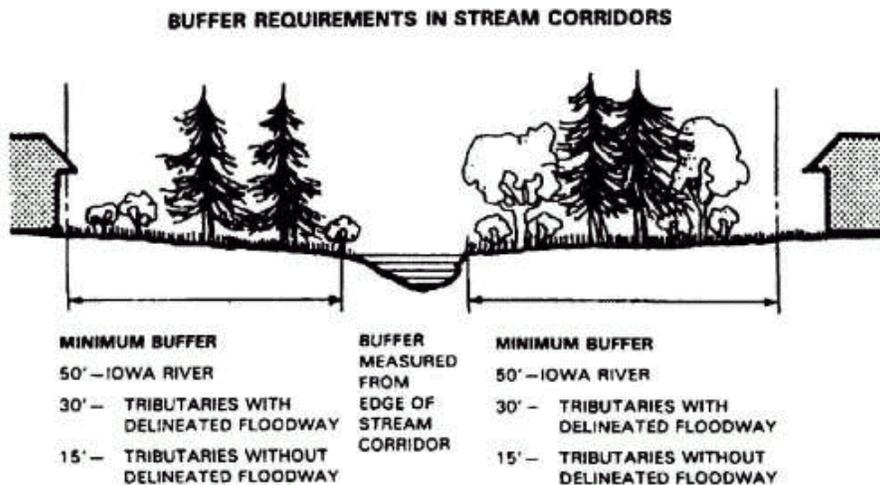
4. Stream Corridor Buffer Requirements: (Ord. 95-3699, 12-5-1995)

a. Unless exempt under subsection D, entitled *Exemptions*, of this Section, the following buffer requirements will be maintained; when other sensitive features are located within a stream corridor, the most stringent required protective buffer will apply: (Ord. 96-3744, 9-10-1996)

(1) Along the Iowa River, a fifty foot (50') natural buffer will be maintained between any development activity and the stream corridor which includes the floodway.

(2) Along tributaries to the Iowa River that have a delineated floodway, a thirty foot (30') natural buffer will be maintained between any development activity and the stream corridor which includes the floodway. These tributaries include, but are not limited to Ralston Creek, Willow Creek, Snyder Creek, Clear Creek and Rapid Creek.

(3) Along tributaries or drainageways that do not have a delineated floodway, a fifteen foot (15') natural buffer will be maintained between any development activity and the stream corridor limits.



b. The city may reduce the required natural buffer based on the following criteria:

(1) The required natural buffer may be reduced by up to fifty percent (50%) if the applicant demonstrates that the portion of the buffer being reduced:

- (A) Does not contain significant existing vegetative cover, such as native trees or prairie remnants; and
- (B) Does not contain other sensitive areas subject to the requirements of the sensitive areas ordinance; and
- (C) Enhanced vegetative cover will be provided in the remaining buffer area.

(2) The required natural buffer may be reduced by up to one hundred percent (100%) if the applicant demonstrates that:

- (A) The property is adjacent to or contains a stream corridor that is located in a "developed area of the city" (defined as an area of the city where platted lots abut the stream as of December 13, 1995, the effective date of the sensitive areas ordinance); and
- (B) The portion of the buffer being reduced does not contain other sensitive areas subject to the requirements of the sensitive areas ordinance; and
- (C) Requiring the full stream corridor buffer would preclude reasonable use of the property; and
- (D) Enhanced vegetative cover will be provided in any remaining buffer area, to the extent possible.

c. In determining whether to reduce the required buffer, the city shall consider the following:

- (1) The proposed land use of the property and its potential impact on the stream corridor;
- (2) The design and layout of the proposed development in relation to the stream corridor;
- (3) The characteristics of the site and the stream corridor; and
- (4) Any other factor related to the short or long term environmental stability and health of the stream corridor.

I. Regulated Slopes:

1. Purpose: The purpose of regulating development on and near steep slopes is to:

- a. Promote safety in the design and construction of developments.
- b. Minimize flooding, landslides and mudslides.
- c. Minimize soil instability, erosion and downstream siltation.
- d. Preserve the scenic character of hillside areas, particularly wooded hillsides. (Ord. 95-3699, 12-5-1995)

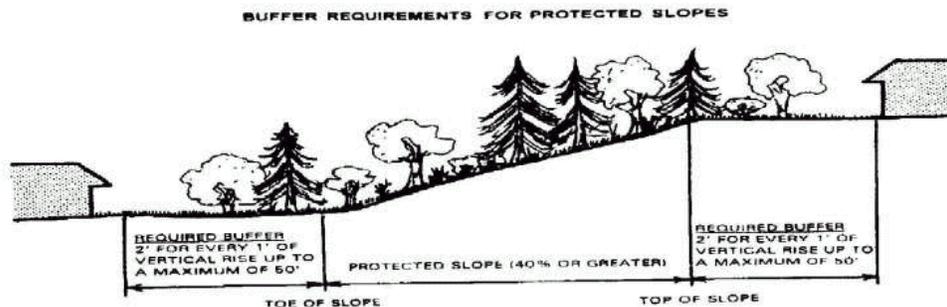
2. Regulations:

- a. Steep Slopes: Any property containing steep slopes (18-24%) shall be required to submit a sensitive areas site plan, unless said property qualifies for an exemption under subsection D, "Exemptions", of this section. The sensitive areas site plan must conform with the design standards for regulated slopes specified in subsection I4 of this section.
- b. Critical Slopes: Any property containing critical slopes (25-39%) shall be required to submit a sensitive areas site plan and a grading plan, unless said property qualifies for an exemption under subsection D, "Exemptions", of this section. The sensitive areas site plan must conform with the design standards for regulated slopes specified in subsection I4 of this section, and the grading plan must conform with the requirements of the grading ordinance. If the sensitive areas site plan indicates that more than thirty five percent (35%)

of the critical slopes on a property are to be disturbed a sensitive areas overlay rezoning application will be required.

c. Protected Slopes: Any area designated as a natural protected slope (40%+) shall not be graded and must remain in its existing state, except that natural vegetation may be supplemented by other plant material. Any such property shall be required to submit a sensitive areas site plan and a grading plan, unless said property qualifies for an exemption under subsection D, "Exemptions", of this section. Development activities may be allowed within areas containing altered protected slopes provided that a sensitive areas overlay rezoning is approved by the city council and if a geologist or professional engineer can demonstrate to the satisfaction of the city that a development activity will not undermine the stability of the slope and the city determines that the development activities are consistent with the intent of the sensitive areas ordinance.

3. Buffer Requirements: A buffer will be required around all protected slopes. Two feet (2') of buffer will be provided for each foot of vertical rise of the protected slope, up to a maximum buffer of fifty feet (50'). The buffer area is to be measured from the top, toe and sides of the protected slope. No development activity, including removal of trees and other vegetation, shall be allowed within the buffer. If a geologist or professional engineer can demonstrate to the satisfaction of the city that a development activity can be designed to eliminate hazards, the buffer requirements may be reduced provided that a sensitive areas overlay rezoning is approved by the city council. (Ord. 03-4057, 1-21-2003)



4. Design Standards For Regulated Slopes: The following standards shall be addressed when either a sensitive areas site plan or a sensitive areas overlay rezoning/sensitive areas development plan for property containing regulated slopes is submitted:

a. Except for commercially or industrially zoned properties, every lot or parcel containing protected slopes shall have a construction area equal to at least forty percent (40%) of the minimum lot size required by the zone in which it is located. (For example, the construction

area would be a minimum of 3,200 square feet for a lot in the RS-5 zone, where a minimum 8,000 square foot lot is required.)

b. Except for driveways and utilities installation, no grading or excavation shall be allowed outside the construction area on lots containing protected slopes. Grading and excavation shall be minimized on steep and critical slopes. (Ord. 96-3744, 9-10-1996)

c. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The city will not accept the dedication and maintenance of cut and fill slopes, except those within the required street right of way.

d. Street right of way and public utility corridors shall be located so as to minimize cutting and filling.

e. To maintain the stability of ungraded areas, existing vegetation shall be retained to the maximum extent possible.

J. Wooded Areas:

1. Purpose: The purpose of regulating development in and around wooded areas is to:

a. Reduce damage to wooded areas of the city, particularly wooded wetlands, steep slopes and stream corridors.

b. Reduce erosion and siltation.

c. Minimize the destruction of wildlife habitat.

d. Encourage subdivision and site plan design which incorporate groves and woodlands as amenities within a development. (Ord. 95-3699, 12-5-1995)

2. Woodland/Grove Regulations:

a. Any property containing a woodland, but not otherwise required to have a sensitive areas overlay rezoning/sensitive areas development plan, will be required to submit a sensitive areas site plan prior to woodland clearing or commencing any development activity, unless said property qualifies for an exemption under subsection D, "Exemptions", of this section.

b. Site plans, grading plans and subdivision plats for any property containing a grove of trees shall illustrate the grove on the plan or plat prior to commencement of any development activity, and will take measures to protect and retain as much of the grove as practicable, unless said property qualifies for an exemption under subsection D, "Exemptions", of this section.

c. If due to site constraints or infrastructure requirements a sensitive areas site plan for a property cannot adhere to the minimum woodland retention requirements contained in subsection J3 of this section. The city may approve the planting of replacement trees subject to the requirements of subsection J3 of this section provided that a sensitive areas overlay rezoning is approved by the city council.

3. Woodland Retention And Replacement Requirements:

a. Sensitive areas development plans and sensitive areas site plans required to be submitted under this section shall delineate all existing woodlands and shall designate all woodlands

that are to be protected. The plans shall substantiate that woodlands are being retained as follows unless a sensitive areas overlay rezoning allowing planting of replacement trees is approved by the city council:

Zone	Retention Requirement	
	ID, RR-1	70%
	RS-5, RS-8, RS-12	50%
RNC-12, RNC-20	RM-12, RM-20, RM-44,	20%
	RDP, ORP	20%
	C and I	10%

b. The required woodland area to be retained shall be delineated to include a buffer area by measuring fifty feet (50') outward from the trunks of trees intended to be preserved.

c. If the city determines that the required woodland area cannot be retained due to site constraints or infrastructure requirements, replacement trees will be planted. One tree shall be planted for every two hundred (200) square feet of woodland removed from the otherwise required retention area.

d. Where it is not feasible to replace trees on site, replacement trees may be planted to supplement reforestation of an off site woodland approved by the city. An off site woodland shall be either publicly owned property or property subject to a conservation easement.

e. Replacement trees must be approved by the city, and to the extent possible, should be of the same or equivalent species as the trees being removed.

f. Replacement trees shall meet the specifications set forth in section 14-6R-5, "General Tree Planting Requirements", of this chapter, and shall be secured by a performance guarantee for a period of twelve (12) months.

g. Woodland and tree protection methods for proposed development activity shall be shown on any plan or plat required to be submitted prior to commencement of development activity. Protection methods should comply with generally accepted tree protection guidelines and be approved by the city.

h. When other environmentally sensitive features regulated by the sensitive areas ordinance are present in combination with a woodland, the regulations related to all the sensitive areas contained on the property will be considered, with the most stringent regulations applying. (Ord. 03-4057, 1-21-2003)

4. Design Standards For Woodland Retention: The following standards should be addressed when either a sensitive areas site plan or a sensitive areas overlay rezoning/sensitive areas development plan is submitted:

a. To the extent possible, woodlands located on steep and/or critical slopes and/or within 100-year floodplains should be given the highest retention priority when meeting the requirements of subsection J3, "Woodland Retention And Replacement Requirements", of this section. (Ord. 96-3744, 9-10-1996)

b. Street right of way, public utility corridors and building sites should be located so as to minimize their impact on woodlands and groves.

c. Where possible, woodlands and groves to be protected should be located within designated public or private open space, either through dedication, a conservation easement, or control by a homeowners' association.

K. Fully Hydric Soils:

1. Purpose: Fully hydric soils may indicate the potential existence of jurisdictional wetlands and the probable existence of a high water table. The purpose of regulating lands that contain fully hydric soils is to recognize the constraints imposed on urban development projects by potential wetlands and/or high water tables. That is:

a. Wetlands are protected under state and federal law, and as such, are considered no build areas unless appropriate and approved mitigation measures are undertaken.

b. High water tables on a property require special construction practices both for infrastructure such as streets, and for structural development such as residences. (Ord. 95-3699, 12-5-1995)

2. Regulations:

a. If fully hydric soils exist on a property where development activity is proposed, the property owner shall have a wetlands specialist verify whether wetlands exist on the site. If wetlands are found to exist on the site, compliance with the wetlands provisions of this Sensitive Areas Ordinance (Section [14-6K-1](#)) will be required.

b. More stringent construction safeguards, as specified by the City, will be required for streets and storm water management facilities located in fully hydric soils. Sump pump discharge tiles and elevations of window openings may also be regulated, as specified by the City.

c. Properties containing fully hydric soils, but not otherwise requiring a sensitive areas overlay rezoning/sensitive areas development plan, will require a sensitive areas site plan review.

d. Fully hydric soils, in and of themselves, will not be deemed sufficient to require a sensitive areas overlay (OSA) rezoning.

3. Design Standards: To the extent possible, urban development projects will be designed so that areas of fully hydric soils will be treated as an environmental asset; used for storm water detention, wetland enhancement or buffers, protective greenbelts along stream corridors and neighborhood open space. (Ord. 96-3744, 9-10-1996)

L. Prairie Remnants:

1. Purpose: The purpose of protecting prairie remnants in Iowa City is to:

a. Preserve the value of prairie remnants for holding soil in place, absorbing pollutants and taking up large amounts of moisture. These functions are particularly important when prairie remnants are located along streambanks, adjacent to wetlands or on areas of highly erodible soil.

b. Protect and enhance the function of prairie remnants to provide wildlife habitat, ecological diversity and environmental education opportunities in an urban setting.

2. Prairie Remnant Regulations:

- a. Development of properties containing prairie remnants one acre in size or larger that are not associated with other sensitive features will be designed to retain the maximum amount of prairie remnant possible, while not precluding reasonable, beneficial use of the property.
- b. Prairie remnants associated with other sensitive features, such as stream corridors, wetlands, steep slopes, woodlands or a stand of significant trees will be treated as environmental assets, and will be considered no-build areas to the extent possible, and used for buffers, filter strips along waterways, and/or neighborhood open space. (Ord. 95-3699, 12-5-1995)
- c. Properties containing prairie remnants one acre in size or larger, but not otherwise requiring a sensitive areas overlay rezoning/sensitive areas development plan, will require a sensitive areas site plan review. (Ord. 96-3744, 9-10-1996)
- d. Prairie remnants, in and of themselves, will not be sufficient to require a sensitive areas overlay (OSA) rezoning.

M. Archaeological Sites:

1. Purpose: The purpose of regulating development of lands which contain archaeological sites is to:

- a. Help assure that sites which contain important information regarding the community's prehistory and history are identified, studied, protected, and/or properly excavated when appropriate. (Ord. 95-3699, 12-5-1995)
- b. Allow the opportunity for documentation and study of important prehistoric and historic sites. (Ord. 96-3744, 9-10-1996)
- c. Allow for the consideration of prehistoric and historic sites in the planning and development of a property to minimize delays when it is determined that study or excavation of such sites is necessary.
- d. Provide for the early identification of human burial sites to ensure that the Code of Iowa, as amended, regarding such burial sites is not violated and to avoid unnecessary delays in subdivision development and subdivision redesign if such sites are discovered after commencement of development. (Ord. 95-3699, 12-5-1995)

2. Regulation Of Archaeological Sites By Other Agencies: The approval of a sensitive areas development plan or a sensitive areas site plan under the provisions of this Section is in addition to the applicant's need to obtain permits required by other local, State or Federal agencies, and does not alter the applicant's obligation to satisfy and obtain all other applicable local, State or Federal regulations and permits.

3. Notification: When the Sensitive Areas Inventory Map - Phase I indicates that an archaeological site is located in the quarter section within which a site plan, planned development or a subdivision is proposed, the City will forward the site plan or subdivision plan to the State Archaeologist (State) for an opportunity to comment. The City may also seek comment from the State Historic Preservation Officer. The State may notify the City if a recorded archaeological site exists within the area of the site plan, planned development or subdivision. The State will also notify the City if the site is of such archaeological importance

that it requires further study by the State or a State-approved archaeologist. If the State identifies such site, the Iowa City Historic Preservation Commission or its successor shall be notified and may proceed as provided in [Article 4C](#), entitled *Historic Preservation Regulations*, of this Title. (Ord. 96-3744, 9-10-1996)

4. Regulations:

a. Archaeological Sites:

(1) If it is determined by the State that further study of an archaeological site is necessary, the City may approve a site plan, planned development or a subdivision, subject to a requirement that the State or a State-approved archaeologist be allowed to study the site and, if appropriate, complete an excavation of the site for the purpose of documenting the significance of the site. The State shall have a period of up to thirty (30) calendar days in which the site is frost-free to study and, where appropriate, excavate the site. This requirement shall not prevent or delay activities which are approved under the grading ordinance, site plan review, planned development or subdivision regulations for portions of the property which do not contain archaeological materials.

(2) The applicant may choose to hire an archaeologist approved by the State to complete a study or excavation plan approved by the State. In this way, the study or excavation work may be completed in a more timely manner.

b. Significant Archaeological Sites:

(1) If the State determines that the property includes a significant prehistoric or historic site which cannot be studied and excavated within a thirty (30) calendar day period, the site plan, planned development or a subdivision plan may be approved subject to an archaeological assessment plan, which specifies a period of time in which the State or a State-approved archaeologist may document and/or excavate a site.

(2) If the site is determined to be of such state or national significance that it should not be disturbed, an attempt should be made to design the site plan, planned development or subdivision plan to allow retention of the site as private or public open space.

c. Burial Grounds: When a site contains a human burial ground, the State Archaeologist shall determine the significance of the burial ground and whether or not the human remains may be disinterred. If the State Archaeologist determines that the human remains should not be disturbed, the portion of the property containing the burial grounds plus a twenty foot (20') buffer around the burial grounds shall be set aside as permanent, private or public open space. (Ord. 95-3699, 12-5-1995; amd. Ord. 96-3744, 9-10-1996)

5. Discovery Of Unrecorded Archaeological Sites: If, during the course of grading or construction, prehistoric artifacts, historic objects or significant archaeological materials, such as human remains or a prehistoric human settlement, are encountered, the City shall be notified. The City shall notify the State, which may take steps to excavate and preserve the objects, if practical, or in the case of human burial grounds, the State Archaeologist shall determine whether or not the human remains can be disinterred. If it is determined that the human remains cannot be disinterred, the portion of the property containing the burial

ground shall be returned to its preconstruction condition by those persons responsible for the disturbance. (Ord. 96-3744, 9-10-1996)

N. Sensitive Areas Development Plan Design Guidelines:

1. Purpose: The purpose of sensitive areas development plan design guidelines is to: (Ord. 95-3699, 12-5-1995)

a. Provide for flexibility in design of public infrastructure and commercial, research development, office research, industrial and residential developments to help assure that developments near, in or adjacent to environmentally sensitive areas are designed to use land efficiently and preserve environmentally sensitive areas as open space amenities. (Ord. 96-3744, 9-10-1996)

b. Allow flexibility in the application of development codes, standards and guidelines to allow innovative designs that promote the purpose of the Sensitive Areas Ordinance.

c. Encourage development which provides for easy access and circulation for pedestrians and bicyclists.

d. Encourage innovative residential developments that contain a variety of housing types and styles.

e. Allow neighborhood commercial uses which are appropriate in scale and design for the proposed development.

2. Applicability:

a. The sensitive areas development plan design guidelines are to be used by the City when evaluating a sensitive areas overlay (OSA) rezoning. These guidelines are intended to be flexible and allow modifications of the requirements of the underlying zoning district and subdivision regulations. When applying such guidelines, the City will weigh the specific circumstances surrounding each application, and strive for development solutions that best promote the spirit, intent and purpose of the Sensitive Areas Ordinance while permitting development of the property for reasonable, beneficial uses. (Ord. 95-3699, 12-5-1995)

Subsection [14-6K-1N3](#), entitled *Residential Development Guidelines*, of this Chapter, contains guidelines for sensitive areas development plans in residential zones. Subsection [14-6K-1N4](#) of this Chapter contains guidelines for sensitive areas development plans for commercial, research development, office research and industrial developments. (Ord. 96-3744, 9-10-1996)

b. The development guidelines contained in the Sensitive Areas Ordinance are to be used by the City as minimum requirements for evaluating sensitive areas development plans. However, such guidelines are not intended to restrict creativity and an applicant may request modifications of the sensitive areas development plan guidelines which may be approved by the City in accordance with the following standards:

(1) The modification will be in harmony with the purpose and intent of the Sensitive Areas Ordinance.

(2) The modification will generally enhance the sensitive areas development plan and will not have an adverse impact on its physical, visual or spatial characteristics.

(3) The modification shall not result in a configuration of lots or a street system which is impractical or detracts from the appearance of the proposed development.

(4) The modification will not result in danger to public health, safety or welfare by preventing access for emergency vehicles, by inhibiting the provision of public services, by depriving adjoining properties of adequate light and air, or by violating the purposes for and intent of this Chapter. (Ord. 95-3699, 12-5-1995)

3. Residential Development Guidelines:

a. Dwelling Unit Density: These development guidelines recognize that when environmentally sensitive features are protected by conservation easements or other development restrictions, the overall dwelling unit density of a property may be reduced. The sensitive areas development plan procedures allow the dwelling unit density that otherwise would have been permitted in an environmentally protected area to be transferred to the portions of the property which are identified as not being environmentally sensitive. To help assure that the resulting denser development is developed in an attractive and livable manner, the following guidelines shall be applied.

b. Lot Requirements: These guidelines recognize that it may be necessary to decrease lot area requirements, lot width requirements and street right of way and paving requirements in order to increase the density on the developable portion of the property. These guidelines also recognize that special design concerns are necessary for smaller lot developments. The use of alleys to provide for vehicular access to individual lots will help assure that an attractive and pedestrian-friendly streetscape is developed.

c. Street Design Guidelines:

(1) A modified grid street pattern which is adapted to the topography, natural features and environmental constraints of the property is encouraged.

(2) Cul-de-sacs and other roadways with a single point of access should be minimized, but may be used where environmental constraints prevent the construction of a grid street pattern.

(3) Street right of way widths may be reduced below those otherwise required by the subdivision regulations if plans provide sufficient area for the location of public and private utilities along the streets or alleys.

(4) Street pavement widths of local streets may be reduced to twenty five feet (25'). Further reductions of street pavement width may be considered for alternative street designs that promote pedestrian-oriented street frontages by restricting access for vehicles other than emergency vehicles to the rear of the lots.

(5) When street pavement widths are reduced below twenty eight feet (28'), alternative locations for parking, such as alleys and off-street parking clusters, are encouraged.

d. Alley Design Guidelines:

(1) The use of alleys to provide for vehicular access to individual lots and an alternative location for utility easements can enhance the livability of compact neighborhoods. When alleys are used, lot widths can be reduced to approximately one-half (1/2) the otherwise required forty five to sixty foot (45'-60') lot width. In this manner, more lots can be developed per linear foot of street paving.

(2) Alleys, which are located parallel to local streets, are encouraged. Where alleys are provided, driveway access to lots shall be via such alleys to the extent possible. In such

locations, curb cuts onto a parallel street should be minimized. Utility easements should be located in alleys to the extent possible.

(3) Alleys should have a minimum pavement width of sixteen feet (16'). The paved alley should be centered within a right of way or easement which provides sufficient room on each side to allow for a utility corridor.



Conventional street design



Alternative street design with
vehicular access from alley

e. Pedestrian Walkway Guidelines: To assure that pedestrians have adequate access throughout a development, sidewalks and pedestrian pathway networks should be provided. The location and design of pedestrian sidewalks and pathways should be based on the volume of traffic anticipated on the adjacent street; the length of the segment of sidewalk or walkway; the need to provide for snow storage when walkways are located adjacent to streets; and the degree to which access to an environmentally sensitive feature is desirable.

f. Land Uses: The design guidelines of the Sensitive Areas Overlay Zone (OSA) are intended to encourage a mixture of housing types, and where appropriate, commercial uses. When located adjacent to single-family and duplex structures, multi-family buildings should be of a scale, massing and architectural style that is compatible with the adjacent lower density residential development. Developments consisting of only one housing type are discouraged except where the development is of a small size. A mixture of the following land uses are encouraged to be integrated within a development:

(1) Detached single-family dwellings.

(2) Duplexes.

(3) Zero lot line dwellings and townhouses.

(4) Multi-family buildings.

(5) Accessory apartments limited to less than eight hundred (800) square feet in floor area, provided they are located within an owner-occupied dwelling or within a permitted accessory building associated with an owner-occupied dwelling.

(6) Commercial uses which are appropriate in scale and compatible with nearby residential development. Commercial uses are not permitted in sensitive areas development plans for properties less than two (2) acres in size when the underlying zoning is residential.

g. Dimensional Requirements: To encourage more compact development and allow the transfer of dwelling unit density from environmentally sensitive areas of a property to nonenvironmentally sensitive areas of a property, the dimensional requirements of the underlying zone may be waived:

(1) Minimum lot area, lot width, lot frontage and yards may be reduced provided sufficient yards are incorporated for each dwelling unit. For example, single-family homes can be located on lots of approximately four thousand (4,000) square feet and still contain front and rear yards of twenty feet (20') and side yards of five to ten feet (5'-10'). For townhouses and zero lot line developments, yards may be reduced to approximately ten feet (10') and still provide for a landscape transition between street right of way and adjacent dwellings. To provide for a livable environment, development on small lots will require careful architectural design and careful placement of garages and automobile parking areas. The use of alleys for vehicular access to small lot developments is therefore encouraged.

(2) The maximum building height and building coverage may be waived, provided the design of the development results in sufficient light and air circulation for each building. For example, an increase in height from thirty five feet (35') (3 stories) to forty five feet (45') (4 stories) may be appropriate, provided taller buildings are set back from adjacent buildings to allow each dwelling unit adequate light exposure.

h. Dwelling Unit Density: The overall dwelling unit density, based on total land area minus public and private street right-of-way area (excluding alleys) in the sensitive areas development plan, shall not exceed the maximum density permitted in the underlying zone.

i. Sensitive Open Space Designation: Sensitive areas and their required buffers are encouraged to be incorporated into the design of the development as public open space dedicated to the City, or private open space held in common by a homeowners' association. Where sensitive features and/or their required buffers are incorporated into individual lots, they shall be included within a sensitive area conservation easement.

j. Commercial Development: Where commercial developments are proposed, they should be of a scale suited to serve the residents of the immediate development and adjacent neighborhoods:

(1) Commercial buildings should be located adjacent to the street with parking spaces located behind the building and screened with landscaping from adjacent residential structures.

(2) Dwelling units are encouraged above the first floor of buildings containing commercial space.

(3) Commercial development should be designed to serve as a focal point of the overall development and is encouraged to incorporate open spaces such as town squares.

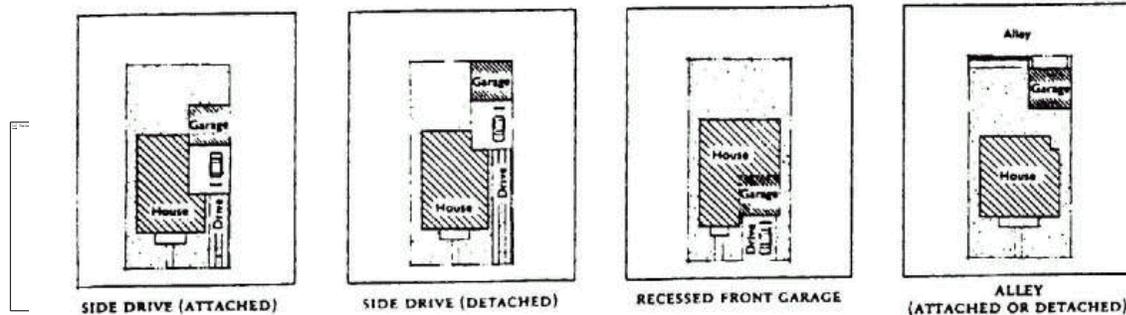
(4) Commercial development should be designed so that the material, massing and architectural style is compatible with the adjacent residential development.



Neighborhood scale commercial with dwelling units located on second floor and parking located behind the building

k. Additional Considerations: Due to the concentration of dwelling units and the juxtaposition of different land uses that can be achieved by incorporating the above provisions into the design of a sensitive areas development plan, adherence to the following design considerations is encouraged to assure that the resulting development is attractive and provides for a transition between public streets and private residences:

(1) Where narrower lots are proposed, garages should be located so that they do not dominate the streetscape, as illustrated below:



(2) Where reduced front yards are proposed, the use of porches is encouraged to provide a transition between the street and the dwelling unit.

(3) Where a variety of housing types, such as single-family, duplex and multi-family buildings, are mixed within a development, similar architectural schemes, scale, massing and materials should be used to help assure that the various building types are compatible. The use of traditional Iowa City architectural styles, such as prairie, craftsman, vernacular farm house and Victorian designs, is encouraged. (Ord. 95-3699, 12-5-1995; amd. Ord. 96-3755, 10-22-1996)

4. Commercial, Research Development, Office Research And Industrial Development Guidelines: These development guidelines recognize that when environmentally sensitive features exist on a commercial, research development, office research or industrial property, it may be appropriate to minimize development in and near the sensitive area(s). To mitigate for the loss of development potential, these guidelines allow for an increase in building height and a reduction in yard and parking requirements, as follows:

- a. The height of a building may be increased up to ten feet (10').
- b. Yards may be reduced.
- c. Parking for commercial and industrial uses may be reduced. (Ord. 96-3755, 10-22-1996)



Reduced front yard
Porches provide transition between the street and the dwelling

O. Appeal:

1. The Board of Adjustment may grant a special exception to the provisions of the *Sensitive Areas Ordinance* if the applicant is able to demonstrate that:

a. Application of a particular *Sensitive Areas Ordinance* regulation would deny reasonable, beneficial use of the property;

b. Any alterations permitted to sensitive areas are to be the minimum necessary to allow for reasonable, beneficial use of the property with the least impact on the sensitive areas; and

c. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site.

2. The Board may impose conditions to limit the impact of any authorized alteration of a sensitive area under this Section, including requiring mitigation under a mitigation plan approved by the City.

P. Performance Guarantee: Compliance with the performance guarantee provisions of City Code Section [14-5H-10](#) entitled, *Performance Guarantee*, may be required to ensure completion of conservation measures, including plantings and other mitigation or maintenance efforts, as stipulated in the *Sensitive Areas Ordinance*.

Q. Enforcement: The *Sensitive Areas Ordinance* regulations will be enforced under the provisions of Section [14-6U-7](#), entitled, *Violations and Penalties*. (Ord. 95-3699, 12-5-1995)