

Chapter 135. Planning

ARTICLE 6. REVIEW AND APPROVAL PROCEDURES

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135-6.1 Site Plans

6.1.1 PURPOSE

A. It is the intent and purpose of this article to establish a procedure to ensure timely, competent review of site plans as a means of determining whether such plans comply with the applicable regulations of this chapter and Chapter 134, and to enable the city to plan for and review certain proposed improvements of property within specified zoning districts of the city in order to:

1. Implement community policies on physical development;
2. Provide for efficient, rational allocation of scarce facilities and resources;
3. Promote economy and efficiency in the provision and improvement of municipal services through the regulation of development; and
4. Ensure the orderliness, quality and character of the development of property in the city, prevent

foreclosure of future development opportunities, and facilitate coordination of land usage with planned and available facilities and resources.

5. Give due consideration to the preservation of canopied areas and mature trees and to provide for the mitigation of canopied areas and mature trees which are removed for development.
- B.** The site planning review requirements of this article are designed to ensure the orderly and harmonious development of such property in a manner that shall:
1. Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
 2. Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning

proposed present development of property shall include the following:

- a. The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
 - b. Zoning restrictions at the time of the proposal;
 - c. The city's comprehensive plan;
 - d. The city's plans for future construction and provision for public facilities and services; and
 - e. The facilities and services already available to the area which will be affected by the proposed site use;
3. Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
 4. Provide suitable screening of parking, truck loading, refuse disposal, and outdoor storage areas from adjacent residential districts;
 5. Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
 6. Consider the smart planning principles set forth in Iowa Code Chapter 18B.

6.1.2 APPLICABILITY

- A. The construction, reconstruction, extension, or alteration of any building, structure, site, change of use or use of land is subject to the site plan review procedures of this article except as otherwise expressly stated.
- B. The following are not subject to the site plan review procedures of this article:
 1. Projects that comply with all applicable zoning and design regulations and that will result in the cumulative addition of no more than 500 square feet of floor area, not to exceed 10% of the existing floor area;
 2. Interior alterations that do not alter the footprint,

height, exterior or use of a building;

3. Routine maintenance and minor repairs (such as painting, replacing roof shingles/lining to match existing, replacement of gutters to match existing) to any part of a building when there is no change in appearance; and
 4. Single-dwelling detached houses.
- C. Development, construction and other activities that are not subject to site plan review may still require building permit review and a determination of compliance with applicable regulations.

6.1.3 PREAPPLICATION MEETING

- A. Before submitting an application for site plan review, applicants must schedule and attend a preapplication meeting with community development department staff to discuss applicable procedures and regulations. Preapplication meetings are not required for the following:
 1. Uses and activities that are exempt from site plan review, pursuant to [135-6.1.2](#); and
 2. Residential accessory uses and structures.
 3. The community development director is authorized to allow alternatives to face-to-face preapplication meetings, such as telephone conversations and email correspondence.

6.1.4 APPLICATION SUBMITTAL

- A. Applications must be submitted to the community development director on forms and in such numbers as required by the community development director. All applications must include plans and other information necessary to allow for thorough review of the proposed plans, as indicated by the requirements on the site plan review submittal checklists developed by the community development director.
- B. Applications for site plan review must be determined to be a complete submittal before the community development department is required to review the application.
- C. The community development director must make a determination of application completeness within 10 days of application filing.
- D. If a site plan application is determined to be incomplete, the community development director must provide notice to the applicant along with a written explanation of the application's deficiencies. Notice of an incomplete application may be provided in person or by electronic mail or regular mail.

6.1.5 REVIEW AND DECISION-MAKING AUTHORITY

A. Administrative Site Plans. All site plan applications that are not classified as public hearing site plans, including those that include only one or more requests for a type 1 design exception (see [135-6.2.2](#)) are referred to as “administrative site plans” and must follow a one-step approval process: review and final action by the community development director.

B. Public Hearing Site Plans. All site plan applications that include one or more requests for a type 2 design exception (see [135-6.2.3](#)) are referred to as “public hearing site plans” and must follow a two-step approval process: (1) review by the community development director and (2) review and final action by the plan and zoning commission.

6.1.6 REVIEW PROCESS

A. General. Following receipt of a complete application, the community development director must promptly distribute the application for review by any city departments and external agencies who have regulatory responsibility or related interests in the review of the proposed site plan.

B. Administrative Site Plans

1. The community development director must make a final decision or provide comments within 30 days of receipt of a complete site plan submittal package, unless the applicant agrees to an extension of time in writing, by letter or email communication.
2. If an application for an administrative site plan is denied, the reasons for denial must be provided through written administrative comment, either electronically or regular mail, and such correspondence must detail the aspects of the site plan that are not in compliance with applicable regulations.
3. If a site plan is denied, a new application may be submitted for consideration.
4. If an administrative site plan requires revisions for approval, the applicant must revise the site plan in accordance with administrative comments. To be considered for further review, the applicant must resubmit the revised site plan along with an explanation of how each administrative comment was addressed. Upon receipt of a complete resubmittal package, the community development director must provide any written administrative comments

that require further revision or provide acknowledgment that all administrative comments have been satisfied.

5. If an administrative site plan at any point in the review is determined to require a type 2 exception, the administrative site plan will be denied and the applicant will be directed to make a type 2 site plan submittal.
6. If a revised administrative site plan has satisfied all administrative comments, staff will request that the applicant submit, signed and dated, digital and reproducible copies of the site plan. The community development department will provide written confirmation of approval, along with the date of such approval.
7. The community development department will retain the duly certified copy in the department’s permanent files. The applicant is responsible for the securing and submitting duly certified copies of the approved site plan as required to secure building and other permits in accordance with this code and state law.

C. Public Hearing Site Plans

1. Upon receipt of a complete application for approval of a public hearing site plan, the community development director must review the proposed site plan and provide administrative review comments within 60 days.
2. To be considered for further review, the applicant must resubmit the revised site plan along with an explanation of how each administrative comment was addressed. Upon receipt of a complete resubmittal package, the community development director must provide any written administrative comments that require further revision or establish a date for a public hearing by the plan and zoning commission.
3. The plan and zoning commission must take action to approve the proposed site plan, approve the proposed site plan subject to conditions or deny approval of the proposed site plan within 30 days of the public hearing the required time-frame for action is waived by the applicant.
4. If an application for public hearing site plan approval is denied, the reasons for denial must be stated in writing, specifying the aspects of the plan that are not in compliance with applicable regulations. If a site plan application is denied,

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a new application may be submitted for further consideration.

5. If a public hearing site plan is approved subject to specific conditions and all administrative review comments, the applicant must revise the site plan in accordance with those conditions and comments and resubmit the plan for review. The community development director must act on all resubmitted public hearing site plans within 15 business days of their receipt.
6. If a public hearing site plan is approved, the applicant must submit signed and dated digital and reproducible copies of the site plan to the community development director, and the community development director must provide written verification of approval, along with the date of approval.
7. The community development department must retain the duly certified copy in the department's permanent files. The applicant is responsible for securing and submitting duly certified copies of the approved site plan as required to secure building and other permits in accordance with this code and state law.

6.1.7 EFFECTIVE DATE OF SITE PLAN APPROVAL

An approved site plan becomes effective upon certification by the community development director. If an appeal is filed, a site plan does not become effective until all appeals have been decided.

6.1.8 LAPSE OF SITE PLAN APPROVAL

The approval of any site plan required by this article remains valid for 2 years after the date that the site plan is certified as approved, after which time the site plan lapses and is of no further effect unless the development has not been established or actual construction has commenced. For the purpose of this section, "actual construction" means that the installation of permanent construction materials has commenced and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading and excavation, or stockpiling of materials on the site does not constitute actual construction.

6.1.9 PERMITS AND CONTINUING COMPLIANCE

A. No permit may be issued for any development requiring site plan approval until a site plan has been submitted and certified approved for such development in accordance with this article unless the community development director determines

that the site plan is in substantial conformance and phased permits can be issued.

- B.** No permanent certificate of occupancy may be issued for such development until all terms and conditions of the approved site plan have been satisfactorily completed or provided for.
- C.** Construction, grading, or other development activities may be carried out only in compliance with the certified site plan.
- D.** When a site plan has been approved for property pursuant to this article, the property must be used and maintained in compliance with the approved site plan. No person may use property in a manner or physical condition that does not conform to the approved site plan for such property.

6.1.10 RESUBMISSIONS AND AMENDMENTS

- A.** Resubmission of any site plan due to changes required or made to the site plan as previously submitted may be made in accordance with schedule of fees adopted by the city council.
- B.** An approved site plan may be amended in accordance with the site plan review procedures of this article. However, the community development director is authorized to waive applicable review and approval procedures and fees if the community development director determines that a proposed amendment involves only a minor change in the approved site plan. Any such waiver by the community development director must be in writing. Within the meaning of this section, minor changes include, but are not limited to, the following:
 1. A change to move building walls within the confines of the smallest rectangle that would have enclosed each originally approved building or to relocate building entrances or exits or to shorten building canopies.
 2. A change to a more restrictive use, provided there is no reduction in the amount of off-street parking as originally approved.
 3. A change in angle of parking or in aisle width, in accordance with zoning ordinance requirements, provided there is no reduction in the amount of off-street parking as originally approved.
 4. A change in location of ingress and egress drives of not more than 100 feet, provided such change is required by the engineering department.
 5. A substitution of plant species, provided a certified nurseryperson or landscape architect certifies the substituted species is similar in

nature and in screening effects.

6. A change in type and design of lighting fixtures, provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
 7. A change to increase peripheral yards.
- C.** If a site plan is resubmitted for final approval that, as interpreted by the community development director, does not comply with conditions required by the community development director for an administrative site plan, or by the plan and zoning commission for a public hearing site plan, the applicant may elect to either:
1. Revise the site plan to comply with required conditions in accordance with the interpretation of the conditions by the community development director; or
 2. Submit a written request by letter or email communication that the resubmission is to be processed as an amendment to the site plan.

6.1.11 APPEALS

A. Appeals of Community Development Director Interpretations and Decisions

1. The applicant may appeal any interpretation or final decision of the community development director by filing a written notice of and reasons for the appeal with the community development director no later than 30 days after the date of the action from which the appeal is sought.
2. All appeals of interpretations or final decisions of the community development director must be placed on the agenda of the plan and zoning commission within 30 days of the date that written notice of the appeal was filed with the community development director unless the applicant agrees to an extension of time for plan and zoning commission action. Except as otherwise expressly stated in chapter, the affirmative vote of at least 8 plan and zoning commission members is required to overturn or modify the action from which appeal is sought.

B. Appeals of Plan and Zoning Commission Decisions

1. The applicant may appeal any final decision of the plan and zoning commission by filing a notice of appeal with the city clerk no later than 30 days after the date of the plan and zoning commission action from which the appeal is sought.

2. All appeals of final decisions of the plan and zoning commission must be placed on the agenda of the city council within 30 days of the date that notice of the appeal was filed with the city clerk. A majority vote of the city council is required to overturn the action of the plan and zoning commission.

135-6.2 Design Exceptions

6.2.1 DESIGN EXCEPTIONS GENERALLY

A. General. This section establishes regulations governing the granting of requests for exceptions to the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#). These design exception regulations are divided into two categories:

1. Minor, staff-approved exceptions, referred to as type 1 design exceptions (see [135-6.2.2](#)); and
2. More significant type 2 design exceptions, which must be reviewed and approved by the plan and zoning commission (see [135-6.2.3](#)).

B. Intent. The design exception provisions of this section are intended to authorize the granting of relief from strict compliance with the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design exception provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and consistency with the comprehensive plan.

C. Burden of Proof or Persuasion. The burden is on the applicant to demonstrate that the requested design exception meets the criteria for approval or demonstrate that the result of the design exception would equal or exceed the results of strict compliance with the subject regulation.

D. Applications. Requested design exceptions must be noted on the required application and plan, and the application must include a written statement describing why the exception is necessary and all efforts to mitigate any adverse impacts resulting from a grant of the exception.

E. Zoning Relief Not Authorized

Design exceptions may not be used to grant relief from zoning ordinance requirements. Relief from

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zoning ordinance requirements may be granted only in accordance with the applicable zoning exception and variance procedures of Chapter 134.

6.2.2 TYPE 1 DESIGN EXCEPTIONS

During the site plan review process, the community development director is authorized to approve the type 1 design exceptions of this subsection ([135-6.2.2](#)) and those expressly authorized elsewhere in this chapter, based on consideration of the general intent statement of section [135-6.2.1-B](#):

A. Build-to Zone

1. Increase the maximum primary frontage build-to-zone/setback requirement by 15% or 1 foot, whichever is greater.
2. Increase the maximum non-primary frontage build-to-zone/setback requirement by 25% or 2.5 feet, whichever is greater.

B. Primary Frontage Lot Line Coverage. Decrease the minimum primary frontage lot line coverage requirement by 15% or 3 feet, whichever is greater.

C. Building Setbacks

1. Decrease the minimum interior side setback by up to 15% or 1 foot, whichever is greater.
2. Decrease the minimum rear by up to 15% or 1 foot, whichever is greater.

D. Building Coverage. Increase the maximum total impervious coverage allowance by up to 15%, provided that such increase does not result in impervious coverage that exceed the total permitted impervious plus semi-pervious coverage.

E. Height

1. Increase or decrease the ground story minimum or maximum height by up to 1.5 feet.
2. Increase or decrease the minimum or maximum height for non-ground floor stories by up to 1 foot.

F. Occupied Space. Reduce the minimum depth of required occupied space by up to 15%.

G. Transparency . Reduce minimum transparency requirements by up to 15%.

H. Other Type 1 Design Exceptions

1. Reduce by up to 10% any minimum requirements of the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) that are expressed as a dimension or distance.
2. Increase by up to 10% any maximum

requirements included in the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) that are expressed as a dimension or distance.

3. Modify building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) that are expressly identified as eligible type 1 design exceptions within the text of this chapter.
4. Allow the owner of an existing, lawfully established single-dwelling house to carry out building expansions and renovations following the House type regulations that most closely match the existing building, regardless of whether that (most closely matching) House type is permitted within the subject district.
5. Waive or modify applicable building type regulations related to garage and facade requirements when the existing location does not comply with applicable building type regulations.
6. Waive or modify applicable building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) when the community development director determines that requiring strict compliance would result in a violation of federal legislation, including but not limited to the Americans with Disabilities Act, and the design exception would be the minimum exception necessary to provide relief and any impacts will be mitigated to the maximum extent feasible.

6.2.3 TYPE 2 DESIGN EXCEPTIONS

- A.** The plan and zoning commission is authorized to approve requests for relief from strict compliance with the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) that are not expressly authorized for processing as type 1 design exceptions and to hear and decide appeals of the community development director's decision on any type 1 design exception. The plan and zoning commission is also authorized to approve those type 2 design exceptions that are expressly authorized in this chapter.
- B.** The plan and zoning commission's decision to approve or deny a request for a type 2 design exception must be based on a determination of whether:
1. The requested design exception is consistent with the general intent statement of section 135-

135-6.2.1-B;

2. The requested design exception is consistent with the comprehensive plan and any adopted area plan; and
3. The requested design exception will not result in any adverse impacts on other properties in the area beyond those impacts ordinarily expected through implementation of the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#).

135-6.3 Site Design Generally

6.3.1 GENERAL SITE DESIGN PRINCIPLES¹

The general site design principles of this section are necessary to ensure the orderly and harmonious development of property in such a manner as will safeguard the public health, safety and general welfare and to ensure that the future development of property in the city will not be foreclosed by such development. The decision to approve, approve subject to conditions or disapprove a proposed site plan must be based in part on whether the site plan complies with the following general site design regulations:

- A.** The design of the proposed development shall make adequate provisions for surface and subsurface drainage, including submittal of a stormwater runoff control plan in compliance with section 106-136, for connections to water and sanitary sewer lines, each so designed as to neither overload nor to substantially decrease the capacity of existing public utility lines in a fashion that will serve to inhibit or preclude the planned future development of other property within the city and so as not to increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property. The city's comprehensive plan shall be the principal guide in determining the prospective use and population density of other properties. However, the factors to be considered in arriving at conclusions on standards of design shall include those expressly set forth in this article.
- B.** The proposed development shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effects on such adjoining properties from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For purposes of this subsection, the

term "use and enjoyment of adjoining property" shall mean the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" shall mean those uses permitted under the zoning district in which such adjoining property is located.

- C.** The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation patterns as will not unduly increase congestion on adjacent or surrounding public streets and in a manner which will conform to the proposed future circulation of traffic throughout the city and provide for adequate fire protection access.
- D.** To such end as may be necessary and proper to accomplish the standards in paragraphs A., B. and C. of this section, the proposed development shall provide water, sewer, stormwater, street, erosion control or other improvements.
- E.** All electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable.
- F.** The proposed development shall conform to all applicable provisions of federal and state law and all applicable sections of the municipal code.
- G.** If the private property is connected to the existing skywalk system, as shown on the official skywalk map, or the applicant intends to connect to the planned skywalk system, as shown on the skywalk system plan map, the proposed development shall have such connections to the existing and planned skywalk system and such internal skywalk system pattern as will best permit the optimal expansion of the skywalk system to serve the greatest number of properties possible and best provide for the expected skywalk system traffic through the property. If the private property is not connected to the existing skywalk system, as shown on the official skywalk map, and the applicant does not intend to connect to the planned skywalk system, as shown on the skywalk system plan map, this design standard shall not apply to the proposed site plan.
- H.** The proposed development shall provide landscaping, including plantings fences and screening in accordance with the landscape standards in the adopted site plan policies and any adopted streetscape plans.
- I.** The proposed development shall comply with the requirements of the tree removal and mitigation ordinance codified in chapter 42, article X.

¹ From current 82-213

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- J. The stormwater runoff control facilities installed in compliance with the stormwater runoff control plan shall be maintained in compliance with section 106-136.

135-6.4 Enforcement

6.4.1 VIOLATIONS AND PENALTIES

- A. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this article; to prevent unlawful construction; to recover damages; to restrain, correct, or abate a violation; and to prevent illegal occupancy of a building, structure or premises. Unless otherwise expressly limited by state law, violations may also be subject to the penalties described in section 1-15 and the remedies and enforcement powers identified in [135-6.4.4](#).
- B. The requirements of this article may also be enforced as a violation of subsection 114-361.02(c).

6.4.2 RESPONSIBILITY FOR ENFORCEMENT

The zoning enforcement officer, under the direction and supervision of the community development director, is responsible for enforcing the regulations of this chapter. All departments, officials, agencies and employees vested with the authority to review, recommend or issue development approvals, permits or licenses must act in accordance with the provisions of this chapter.

6.4.3 CONTINUING VIOLATIONS

Each day that a violation continues constitutes a separate violation of this chapter.

6.4.4 REMEDIES AND ENFORCEMENT POWERS

The city has all remedies and enforcement powers allowed by law, including, without limitation, all of the following:

- A. **Fines.** Any person violating any provisions of this chapter or failing to comply with any of its requirements may be deemed guilty of a misdemeanor or municipal infraction punishable in accordance with [section 1-15](#).

B. Withhold Permit

1. The community development director may deny or withhold all related permits, certificates or other forms of authorization on any land or structure or improvements upon which there is an existing violation of a provision of this chapter or of a condition or qualification of a permit, certificate, approval or other authorization

previously granted by the city. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for subject violation.

2. Instead of withholding or denying a permit or other authorization, the community development director may grant such authorization subject to the condition that the violation be corrected.

C. Revoke Permits

1. A permit, certificate or other form of authorization required under this chapter may be revoked by the community development director when the community development director determines:
 - a. That there are unapproved departures from approved plans or permits; or
 - b. That any provision of this chapter or approval previously granted by the city is being violated.
2. Written notice of revocation must be sent by regular mail to the subject property owner and all persons to whom the permit was issued.

D. Stop Work

1. If the zoning enforcement officer finds work being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the zoning enforcement officer is authorized to issue a stop work order.
2. A stop work order must be in writing and must be posted at the site of the violation. A copy of the order must also be provided to the owner of the subject property, to the owner's authorized, or to the person doing the work. Upon issuance of a stop work order, the cited work must cease immediately. The stop work order must state the reason for the order and the conditions under which the cited work is authorized to resume.
3. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, is subject to penalties and enforcement as set out in this section.

- E. **Injunctive Relief.** The city may seek an injunction or other equitable relief in court to stop any violation of this chapter or of a permit, certificate or other form of authorization granted under this or previous ordinances.

F. Forfeiture and Confiscation of Signs on Public Property. Any sign installed or placed on public property, including rights-of-way, except in compliance with the regulations of this chapter will be considered forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this article, the city has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

G. Abatement

1. The city may seek a court order for abatement, injunction or other action requiring the owner to correct a violation and order that the city's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property on which the violation occurred, or both.
2. The city may seek a court order authorizing the city to abate or correct the violation and order that the city's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property on which the violation occurred, or both.

H. Other Penalties, Remedies and Powers. The city may seek such other penalties and remedies as are provided by law.

I. Continuation of Previous Enforcement Actions. Nothing in this chapter prohibits the continuation of previous enforcement actions, undertaken by the city pursuant to previous ordinances and laws.

6.4.5 REMEDIES CUMULATIVE

The remedies and enforcement powers established in this chapter are cumulative, and the city may exercise them in any combination or order.

6.4.6 PERSONS SUBJECT TO PENALTIES

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies and enforcement actions.

6.4.7 ENFORCEMENT PROCEDURES

A. Non-Emergency Matters. In the case of violations of this chapter that do not constitute an emergency or require immediate attention, the subject property owner must be given notice by regular mail. Notices of violation must state the nature of the violation

and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

B. Emergency Matters. In the case of violations of this chapter that constitute an emergency situation as a result of public health or safety concerns if not remedied immediately, the city may use the enforcement powers available under this chapter without prior notice to the subject property owner.

6.4.8 APPEALS

A determination made by the community development director, zoning enforcement officer or other administrative officials that a violation has occurred may be appealed by the affected party in accordance with [135-6.1.11](#).

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