

CHAPTER 165

ZONING CODE

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165.01 TITLE. This chapter shall be known and may be cited and referred to as the Zoning Code of the City of Adel, Iowa.

165.02 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Adel, Iowa, and surrounding unincorporated area.

165.03 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or provisions of this Code of Ordinances, the provisions of this chapter shall control. Where for a specific land use the requirements of any other provision of this Code of Ordinances are more stringent or restrictive than the requirements set forth herein, nothing herein shall be construed to waive compliance with such other provision.

165.04 APPLICATION OF DISTRICT REGULATIONS. The regulations within each district, as set by this chapter, shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
3. No yard or lot existing at the time of passage of the zoning ordinance codified in this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of such ordinance shall meet at least the minimum requirements established by this chapter.

Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern. All structures existing as of the effective date of the zoning ordinance, and which do not comply with the terms and conditions of this chapter, shall be considered lawful and shall be allowed to continue and exist or be reconstructed as they currently exist.

165.05 ESTABLISHMENT OF DISTRICT PROVISION FOR OFFICIAL ZONING MAP. *(Ord. 290 – Jul. 13 Supp.)*

1. **Official Zoning Map.** The City shall be divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, shall be adopted by ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, under the following words: *This is to certify that this is the Official Zoning Map referred to in Section 165.05 of Ordinance No. _____ of the City of Adel, Iowa,* together with the date of adoption. If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: *By official action of the City Council, the following changes were made in the Official Zoning Map.* (Indicating the changes by ordinance number and date of publication.) No amendment of this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map.
2. **Replacement of the Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: *This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. _____*

of the City of Adel, Iowa. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

3. **Lands Within Two Miles of City.** All regulations within this chapter shall apply to lands within two (2) miles of the City, generally described and shown on the Official Zoning Map of the City. The exemption from regulation granted by Section 358A.2 of the Code of Iowa to property used for agricultural purposes shall apply to said unincorporated area.
4. **County Zoning.** The specific regulations and districts hereunder shall be terminated within three months of the establishment of the administrative authority for County Zoning, or at such date as mutually agreed upon by the City of Adel and County.

165.06 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered in the previous section by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.
7. Where a district boundary line divides a lot that was in single ownership at the time of adoption of the zoning ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot, not to exceed 50 feet beyond the district line into the remaining portion of the lot.
8. Whenever the City Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation.
9. Whenever a variance exists between the Official Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

165.07 DEFINITIONS. For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows. The “present tense” includes the future tense, the singular number includes plural, and the plural number includes the singular. The word “shall” is mandatory; the word “may” is permissive. The words “used or occupied” include the words “intended, designed, or arranged to be used or occupied.” The word “lot” includes the words “plot or parcel,” and all other words or phrases

used to denote an individual site that complies with the minimum provisions of this chapter. The following definitions apply to the interpretation of this chapter:

1. "Abutting" means having property or district lines in common.
2. "Access" means a way of approaching or entering a property from a public street or alley.
3. "Accessory living quarters" means living quarters within an accessory building for the sole use of persons fully employed on the premises or for temporary use by guests of the occupants of the premises.
4. "Accessory use or structure" means a use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.
5. "Agriculture" means the use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities.
6. "Alley" means any public space or thoroughfare less than twenty (20) feet but not less than (10) feet in width and which has been dedicated or deeded to the public for public use.
7. "Amendment" means a change in the wording, context, or substance of this chapter, or any part thereof, or a change in the zoning or district boundaries of the Official Zoning Map, a part of this chapter, when adopted by ordinance passed by the City Council in the manner prescribed by law.
8. "Apartment house or building" means any building (or portion thereof) which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and includes flats and apartments.
9. "Bar, saloon or tavern" means any place devoted primarily to the selling, serving, or dispensing and drinking of malt, vinous, or other alcoholic beverage, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises. (See also "cocktail lounge" and "night club.")
10. "Basement" means a story of a building having more than one-half (1/2) of its height below grade. A basement shall not be counted as a story for the purpose of height regulation, providing that the finished floor level directly above is not more than six (6) feet above grade. (See "basement - walkout," "cellar" and "story.")
11. "Basement - walkout" means a basement having a portion of its finished floor not more than four (4) feet below the finished grade at any of its exterior walls and having not less than two-thirds (2/3) of the vertical height of an exterior wall, which has a ground level exit to the outside, above ground. A walkout basement shall be considered the ground floor level of the building and shall be counted as a story. (See "basement," "cellar," and "story.")
12. "Billboard" means all structures, regardless of the base of materials used in construction, which are erected, maintained, or used for public display of posters, painted signs, wall signs (whether the structure be placed on the wall or painted on the wall itself), pictures or other pictorial reading matter that advertises a business or

attraction that is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

13. “Bed and breakfast” or “boarding house” means a building other than a hotel where, for compensation, meals and lodging are provided for persons other than permanent residents, but does not include rest homes.

14. “Boundary of district” means the centerline of a street or right-of-way or the centerline of the alleyway, between the rear or side property lines, or where no alley or passageway exists, the rear or side property lines of all lots bordering on any district limits or any district boundary shown on the Official Zoning Map, which is a part of this chapter.

15. “Building” means any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals, or chattel. When any portion thereof is entirely separated by walls in which there are no communicating doors or windows or any similar opening, each portion so separated shall be deemed a separate building.

16. “Building, height of” means the vertical distance from the average finished ground grade of the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip and gambrel roofs.

17. “Building line” means the extreme overall dimensions of a building as determined from its exterior walls and as staked on the ground, including all areas covered by vertical projection to the ground or overhang of walls, or any part of a primary structural support or component which is nearest to the property line, except roof overhangs and chimneys which may extend up to two feet into the setback. (See “setback.”)

18. “Building site” means the ground area of one lot, or the combined ground areas of more than one lot which have been combined for the use for one building or permitted group of buildings, together with all open spaces required by this chapter. (See “lot.”)

19. “Bulk stations” means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

20. “Cellar” means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See “story.”)

21. “Centerline, public thoroughfare” means the line running parallel with the thoroughfare right-of-way which is half the distance between the extreme edges of the official right-of-way width.

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

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

24. “Channel flow” means that water and material discharge which moves within the limits of the defined channel.
25. “Club” means an association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
26. “Cocktail lounge, cabaret” means any place of business, other than a “night club,” located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one person performance and dancing is prohibited. (See also “tavern” and “night club.”)
27. “Commercial use” means the barter, exchange, sale, service or trade of goods, materials, or services, either tangible or intangible for financial, material or monetary gain.
28. “Commission” means the Planning and Zoning Commission of the City of Adel, Iowa.
29. “Courtyard” means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.
30. “Crown of Road” means the grade at the centerline of the pavement within a public thoroughfare, or where no pavement exists, grade at the right-of-way centerline.
31. “Development” means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.
32. “District” means a section or sections of land area, depicted on the Official Zoning Map as a Zoning District, within which the regulations governing the use of land, buildings and premises, or the height and lot area of building sites and premises conform to uniform standards.
33. “Dump” means a premises used for the disposal of “clean” type fill or refuse such as dirt, rocks, tree branches and similar materials, but not including organic matter of any type such as garbage or dead animals or portions thereof.
34. “Dwelling” means any building or any portion thereof, which is not an “apartment house,” “lodging house” or a “hotel” as defined in this chapter, which contains one or two “dwelling units” or “guest rooms,” used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. Dwelling excludes tents, cabins, trailers, or mobile homes.
35. “Dwelling unit” means one or more habitable rooms that are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking, and eating.
36. “Dwelling, one-family” means a detached building, on a building site, designed for and used exclusively for residential purposes by one family and containing one dwelling unit.
37. “Dwelling, two-family” means a building designed for and used exclusively for occupancy by two families living independently of each other and containing two dwelling units.

38. “Dwelling, multiple” means a building or buildings, on a common lot designed for and used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.
39. “Encroachment line or limit” means the inside boundary line closest to the drainage channel delineating the floodway.
40. “Factory-built structure” means any structure, building, component, assembly or system which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means “factory-built unit.”
41. “Family” means an individual or two or more persons related by blood or marriage or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
42. “Family home” means a community-based residential home that is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the Code of Iowa.
43. “Farm” means an area comprising ten (10) acres or more which is used for agriculture.
44. “Fence” for the purpose of this definition it is understood that the terms fence and wall are synonymous and herein defined as a barrier consisting of wood, stone or metal intended to prevent ingress or egress, and / or enhance the appearance of the structure of the landscape”. *(Ord. 290 – Jul. 13 Supp.)*
45. “Flood” means any rise in channel flow which results in water or material exceeding channel banks, over flowing, and inundating areas adjacent to the channel not ordinarily covered by flow.
46. “Floodway fringe” means that portion of the flood plain beyond the floodway which shall from time to time be inundated by shallow, slow moving discharge.
47. “Flood proofing” means any structural or non-structural feature, addition, change, or adjustment to buildings, structures and properties primarily for the reduction or elimination of flood damage to land, water, sanitary facilities, buildings, structures, and contents of buildings. Such measures shall be designated consistent with the flood protection elevation for the particular area, flood velocities, durations, rates of rise, hydrostatic and hydrodynamic forces, and other factors associated with a flood. Flood proofing measures may include but are not limited to the following:
- A. Anchorage to resist flotation.
 - B. Installation of water-tight doors, bulkheads and shutters.
 - C. Reinforcement of walls to resist water pressures.
 - D. Use of paints, membranes, or mortars to reduce seepage of water through walls.

- E. Addition of mass or weight to structures to resist flotation.
 - F. Cut off valves on sewer lines or elimination of gravity flow basement drains.
 - G. Construction to resist rupture or collapse caused by water pressure or floating debris; construction of any type so as to prevent the entrance of flood waters.
 - H. Pumping facilities for subsurface external foundation walls and basement floor pressures, or installation of pumps to lower water levels inside structures.
48. "Flood stage" means the height or elevation of a flood as referred to mean sea level (MSL) datum.
49. "Flood plain" means the channel of any watercourse and the area adjoining a river, stream, water course, pond, lake, or quarry which has been or may become covered by floodwater and must be reserved in order to discharge the 100-year flood without cumulatively increasing the floodwater surface elevation more than a specified height at any point.
50. "Frontage" means the distance of a front lot line as measured along the public thoroughfare, except single-family detached residential lots in an R District shall be measured at the front yard setback, provided no lot shall have less than forty (40) feet adjoining the public thoroughfare. (See "lot lines, front.")
51. "Frost free foundation" means foundation supporting a structure and which is required to be at least 42 inches below grade.
52. "Garage, community" means a structure, or a series of structures under one roof, and under one ownership, used primarily for storage of vehicles by three (3) or more owners or occupants of property in the vicinity.
53. "Garage, mechanical" means a structure in which major mechanical repair or rebuilding of motor powered vehicles is performed for commercial gain and in which the storage, care, and minor servicing is an accessory use.
54. "Garage, private" means a building, or a portion of a building, not more than one thousand two hundred square feet (1,200 sq. ft.) in area, in which only motor vehicles used by the residents or tenants of the building or buildings on the premises are stored or kept.
55. "Garage, public" means any garage other than a private garage.
56. "Gas station" means a structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities or accessories for motor vehicles and including the customary space and facilities for the installation of such commodities or accessories on or in such vehicles, but not including space or facilities for the storage, painting, repair, refinishing, body work, or other major servicing of motor vehicles.
57. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, alley, or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley, or public way.

58. “Greenhouse” means a building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.
59. “Guest house” means an accessory building used as a dwelling unit by domestic employees or for the use by a guest of the occupants of the premises.
60. “Half-story” means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area of the floor immediately below it.
61. “Health care facility” means any residential care facility, intermediate care facility, or skilled nursing facility.
- A. “Residential care facility” means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours’ accommodation, board, personal assistance, and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.
- B. “Intermediate care facility” means any institution, place, building or agency providing for a period exceeding twenty-four consecutive hours’ accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.
- C. “Skilled nursing facility” means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours’ accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four hour per day basis.
62. “Home occupation” means an occupation conducted in a dwelling unit or an accessory building, provided that:
- A. Direct or on-site consumer retail sales businesses shall not be allowed as a home occupation unless said on-site sales are incidental in nature.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50 percent of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation

other than one sign, not exceeding three square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

D. There shall be no outdoor storage of materials or vehicles utilized in the conduct of a home occupation.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

G. No home occupation shall be allowed except by special exception and a registration permit granted by the Board of Adjustment.

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

64. "Hotel" means any building containing five (5) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

65. "Improvement, substantial" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either: (i) before the improvement or repair is started; or (ii) if the structure has been damaged, and is to be restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (a) any project for the improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions; or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

66. "Junk" means old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building materials, scrap contractor's equipment, tanks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed for barter, resale, reuse, salvage, stripping, or trade. (See also "trash.")

67. "Junk yard" means any area where junk is bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking or structural steel materials and equipment; but not including areas where such uses are conducted entirely within

a completely enclosed building, and not including the processing of used, discarded or salvaged materials necessary as a part of manufacturing operations.

68. “Kennel” means an establishment in which dogs or domestic animals more than one year old are housed, bred, boarded and sold.

69. “Kitchen” means any room or portion of a building used, intended or designed to be used for cooking and other preparation of food, including any room having a sink and provisions for either a gas or electric stove.

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

71. “Lodging house” means any building or portion thereof, containing not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements of this chapter for dwellings.

72. “Lot” means, for zoning purposes, a parcel of real property of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in this chapter. Such lot shall have frontage on a dedicated street, and may consist of any one of the following:

A. A combination of complete lots of record, or of complete lots of record and portions of lots of record, or of portions of lots of record.

B. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter.

C. A portion of a lot of record.

D. Single lot of record.

73. “Lot lines” means:

A. Front – the line separating the front of the lot from a public street.

B. Rear – that boundary that is opposite and most distant from the front lot line.

(1) In the case of a corner lot, one of the two lot lines opposite and most distant from the two front lot lines shall be designated as a rear lot line to apply the rear yard setback.

(2) In case of an interior triangular or gore-shaped lot, it means a straight line ten (10) feet in length that is parallel to the front lot line or its cord and intersects the two (2) other lot lines at points most distant from the front lot line.

C. Side – any lot boundary line not a front lot line or a rear lot line.

74. “Lot measurements” means:

A. Area – the gross area, exclusive of streets or other public rights-of-way, within the boundary lines of a lot.

B. Depth – the mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In

the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints at the front and rear lot lines.

C. Width – the horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback.

75. “Lot of record” means a lot which is part of the Original City or a subdivision, the deed of which is recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

76. “Lot types” are as follows:

A. Corner lot – a lot located at and adjoining the intersection of two (2) or more streets, and having the street right-of-way abut two or more front lot lines.

B. Double frontage lot – a lot, other than a corner lot, with frontage on more than one (1) street or public thoroughfare.

C. Interior lot – a lot, other than a corner lot, having frontage on but one (1) street or public thoroughfare.

D. Key lot – a lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid key lots.

E. Reversed corner lot – a corner lot, the side street lines of which is substantially a continuation of the front lot line of the first lot to its rear.

77. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings; and

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

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and

D. The enclosed area is not a “basement” as defined in this chapter.

In cases where the lowest enclosed area satisfies criteria A, B, and C above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

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

79. “Manufactured home” (previously called “mobile home”) means a structure transportable in one or more sections which when erected on site measures eight body feet or more in width and forty body feet or more in length or when erected on site is three hundred twenty square feet or more in area, and which is built on a permanent

chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

80. “Mobile home park” means any lot, lots or portion of lots upon which two (2) or more trailers or manufactured homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

81. “Modular home” means factory-built housing certified as meeting the State building codes as applicable to modular housing. Once certified by the State, modular homes shall be subjected to the same standards as site built homes.

82. “Motel” or “motor hotel” means a building or group of two (2) or more buildings designed to provide sleeping accommodations for transient or overnight guests, with exterior access for each unit and parking facilities conveniently located to each such unit.

83. “Night club” means any place of business located within any building or establishment, established and operated for the purpose of supplying entertainment or music, or both, and providing meals and refreshments prepared on the premises.

84. “Nonconforming use” means the use of a building or land or any portion thereof, which was originally lawfully established and maintained, but which, because of the application of this chapter to it, no longer conforms to the use regulations of the district in which it is located.

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

86. “Nursing and convalescent home” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons.

87. “Obstruction” means any dam, dike, embankment, structure, building, wall, wharf, pile, abutment, projection, levy, excavation, channel rectification, bridge, conduit, culvert, wire, fence, refuse, fill, or matter in, along, across, or projecting into any channel, watercourse, or flood plain area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream, to the damage of life or property.

88. “Overlay district” means a district which may be established to overlay and act in conjunction with the underlying zoning district or districts.

89. “Parking area, public” means an open area, other than a street or alley, which is used for the temporary parking of more than four (4) automobiles and is available for public use whether free, for compensation, or as an accommodation for clients or customers.

90. “Parking space, automobile” means an area other than a street or alley, reserved for the parking of a private transportation vehicle, plus such additional area as is necessary to afford adequate ingress and egress.

91. “Permitted use” means a use by right which is specifically authorized in a particular zoning district.
92. “Place of business” means any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in which or on which one or more persons engage in a gainful occupation.
93. “Planning Commission” or “Commission” means the Planning and Zoning Commission of the City of Adel, Iowa.
94. “Premises” means any lot, plot, parcel or tract of land, building or buildings, structure or structures, used publicly or privately as a place of business, dwelling or meeting place.
95. “Principal building” means the building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification in which it is located.
96. “Principal use” means the main use of land or structures as distinguished from an accessory use.
97. “Projections” (into yards) means parts of buildings such as architectural features that extend beyond the building’s exterior wall.
98. “Public thoroughfare” means any right-of-way under the jurisdiction and maintenance of the governmental agencies of the Federal, State and Municipal government; which may be used by the public in general, and which serves as the frontage street to the abutting property. (See “street.”)
99. “Reach” is a term describing a longitudinal section of a stream, river, or watercourse.
100. “Residential” or “residence” is applied herein to any lot, plot, parcel, tract, area, or place of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.
101. “Restaurant” means a building, room or rooms, not operated as a dining room in connection with a hotel, motel, or other multiple dwelling, where food is prepared and served to a group of families, a club or to the public and for consumption on the premises.
102. “Re-subdivision” means any change in the shape or size of any lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorages or other use. Any change in the shape or size of any lot, tract or parcel of land previously approved for building purposes whether immediate or future and regardless whether or not the same is vacant or improved in whole or in part, for sale, rent, lease, building development, anchorage or other use.
103. “Rooming house” means a residential building used, or intended to be used, as a place where sleeping accommodations are furnished or provided for pay, but which does not maintain a public dining room or cafe in the same building, nor in any building in connection therewith.
104. “Servant’s quarters” means a secondary residential building occupied by a domestic employee of the occupant of the principal residential building and conforming to the restrictions of this chapter including those for accessory buildings.
105. “Service station” – (See “gas station.”)

106. “Setback” means the minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building respectively. When two (2) or more lots under one (1) ownership are used, the exterior property line of the lots so grouped shall be used in determining off-sets.
107. “Signs” means any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.
108. “Signs, off-premises” means an advertising device, including the supporting structure, which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include on-premises signs, directional or other official sign or signs that have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.).
109. “Signs on-premises” means an advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.
110. “Site” (See “lot.”)
111. “Special permit” means the authorization of a zoning certificate for an unclassified or special use of a lot by the Council following a review of the application for use by the Commission. A special permit may be issued only for those uses listed under the “Unclassified and Special Uses” in this chapter.
112. “Stables” means:
- A. Private – a building or structure used, or intended to be used for housing horses belonging to the owner of the property and for noncommercial purposes.
 - B. Public and riding academy – a building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instructions may be given in connection with a public stable or riding academy.
 - C. Riding club – a building or structure used or intended to be used, for the housing only of horses by a group of persons for non-commercial purposes.
113. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar is considered a story.
114. “Story, half” means a space under a sloping roof which has the line of intersection of roof, decking, and wall face not more than four (4) feet above the top floor level. A half story containing independent apartments or living quarters is counted as a full story.
115. “Street” means any thoroughfare or public space not less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use.
116. “Street line” means a dividing line between a lot, tract or parcel of land and a contiguous street. (See “lot line, front.”)
117. “Structural alterations” means any replacement or change in the shape or size of any portion of a building or of the supporting members of a building or structure such

as walls, columns, beams, arches, girders, floor joist, roof joist, or roof trusses, beyond ordinary repairs and maintenance.

118. “Structure” means that which is built or constructed, a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. “Structure” includes unenclosed or uncovered decks and porches.

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

120. “Swimming pool” means a water-filled enclosure, permanently constructed or portable, having a depth of more than 18” below the level of the surrounding land, or an above surface pool, having a depth of more than 30”, designed, used, and maintained for swimming and bathing.

121. “Tent” means any structure or enclosure, the roof or one-half or more of the sides of which are of silk, cotton, canvas, nylon, or any light material, either attached to a building or structure, or unattached.

122. “Townhouse” means a dwelling unit which is attached horizontally and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling, may be individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the Homeowners Association (Council of Co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.

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

124. “Trash” means cuttings from vegetation, refuse, paper, bottles, and rags. (Also see “junk.”)

125. “Use” means the purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied, or maintained.

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

127. “Yard” means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except for landscaping or as otherwise provided in this chapter.

128. “Yard, front” means the yard area lying to the front of the principal building or between the front building line and the front lot line.

129. “Yard, rear” means the yard lying to the rear of the principal building, or between the rear building line and the rear lot line.
130. “Yard, side” means the yard area lying to the sides of the principal building or between the side building lines and the side lot lines.
131. “Zoning/Building Administrator” means the administrative officer designated or appointed by the Council to administer and enforce the regulations contained in this chapter.
132. “Zoning certificate” means the written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.
133. “Zoning district” means a section the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.
134. “Zoning Map” means the map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

(Definitions #45-134 renumbered by Ord. 290 – Jul. 13 Supp.)

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165.08 ZONING ADMINISTRATOR. The Zoning/Building Administrator, who shall be appointed by the Council and/or City Administrator, shall administer and enforce the provisions of this chapter. The Zoning/Building Administrator may be provided with the assistance of such other persons as the Council and/or the City Administrator may direct. The Zoning/Building Administrator also may serve as the Building Official and may be a corporation or other business entity.

165.09 ENFORCEMENT RESPONSIBILITIES. In the event the Zoning/Building Administrator shall find that any of the provisions of this chapter are being violated, he or she shall in writing notify the person responsible for the violation, shall indicate the specific nature of the violation, and shall order the action necessary to correct the violation. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the Zoning/Building Administrator shall order the owner of the affected property to take such actions as may be required to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, or to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct of business or use in or about said premises. The City, in addition to other remedies and if necessary, shall institute any proper action or proceedings to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to restrain, correct or abate such violation; or to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct of business or use in or about said premises.

165.10 PRINCIPAL PERMITTED USES. No building, structure, land, or water shall be used for any use not listed as a principal permitted use in the district in which it is located, except for an accessory use customarily incidental and clearly subordinate to a principal permitted use on the same lot. All other uses are expressly prohibited unless judged by the Zoning/Building Administrator, City Council, and/or Board of Adjustment to be substantially similar to a listed permitted use. For the purposes of administering the commercial districts, permitted uses are listed in terminology intended to be consistent with the Standard Industrial Classification Manual, 1972 and the 1977 Supplement thereto, as issued by the U.S. Department of Commerce and on file in the office of the Department of Community Development, said publication hereinafter referred to as the SIC. The SIC classifies uses according to major groups designated by two-digit numbers, whose characteristics are described. Such group or industry code numbers are listed in parenthesis as appropriate for ease of reference to the SIC, and shall have no other purpose. Where a group or subgroup is listed as a permitted use it is intended that all individual uses listed by the SIC within such group or subgroup be permitted unless otherwise stated, subject to all requirements of this chapter. It is further intended that where an individual use is listed as a permitted use only that use shall be permitted and all other uses within the group or subgroup are expressly prohibited.

165.11 ZONING/BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, added to, or structurally altered without a Zoning/Building Permit issued by the Zoning/Building Administrator. No certificate shall be issued except in conformance with the provisions of this chapter, except upon the written order of the Board of Adjustment.

165.12 APPLICATION FOR ZONING/BUILDING PERMITS. All applications for a Zoning/Building Permit shall be filed with the Building Department. All applications shall be accompanied by two copies of a building plan, drawn to scale, which shall contain the following information:

1. The name, address, and telephone number of the owner or owners of the property.
2. The name, address, and telephone number of any agent acting on behalf of the owner of the property.
3. The legal description of the property.
4. Property boundary lines, dimensions and total area.
5. The location, size, shape and type of all proposed new or altered buildings or structures, as well as the location, size, shape and type of all existing buildings or structures.
6. The total square feet of existing and proposed building floor area.
7. The location of existing utilities, rights-of-way, and easements.
8. The existing or proposed uses of the building and the land.
9. The number of households or rental units any existing and proposed building is designed to accommodate.
10. Such other matters as may be required by the Zoning Administrator to permit the determination of conformance with, and to provide for the enforcement of, this chapter.

165.13 ISSUANCE OF CONDITIONAL AND PERMANENT ZONING / BUILDING PERMITS.

(Ord. 290 – Jul. 13 Supp.)

It is unlawful for any person to undertake the erection, moving, adding to, or structurally altering any building or structure until a Conditional/Special Use and/or Permanent Zoning/Building Permit shall have been issued by the Zoning/Building Administrator, which Conditional/Special Use and/or Permanent Zoning/Building Permit shall state that the proposed uses of the building or land conform to the provisions of this chapter. Upon the completion of the construction project, it is responsibility of the property owner and/or contractor who applied for such permit, to contact the Zoning/Building Administrator for a final review or inspection of the property. If the actual uses of the building or land conform to the provisions of this chapter, the Zoning/Building Administrator shall issue a Permanent Certificate of Occupancy. If the actual uses do not conform to the provisions of this chapter, the Zoning/Building Administrator shall order the owner to undertake such corrective measures as will result in compliance. The Zoning/Building Administrator shall maintain a record of all Conditional/Special Use and/or Permanent Zoning/Building Permits, and copies shall be furnished upon request to any person.

165.14 EXPIRATION OF CONDITIONAL AND PERMANENT ZONING / BUILDING PERMITS.

(Ord. 290 – Jul. 13 Supp.)

If the work described in any Conditional/Special Use and/or Permanent Zoning/Building Permit has not begun within one hundred eighty (180) days of its issuance, the permit shall expire and it shall be canceled by the Zoning/Building Administrator. Written notice of such cancellation shall be given to the applicant. If the work described in any Conditional/Special Use and/or Permanent Zoning/Building Permit has not been substantially completed within two (2) years of its issuance, the permit shall expire and it shall be canceled by the Zoning/Building Administrator. Written notice of such cancellation shall be given to the applicant, together with notice that further work as described in the canceled permit shall not proceed unless and until a new permit has been obtained.

165.15 RESIDENTIAL DWELLING STANDARDS. All single-family dwelling units shall meet the following minimum standards:

1. The minimum dwelling width shall be 20 feet at the exterior dimension.

2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.
3. All structures used for dwelling units shall provide for a minimum of 900 square feet of floor space.

165.16 BOARD OF ADJUSTMENT: ESTABLISHMENT AND PROCEDURE.

1. **Board Created.** A Board of Adjustment is hereby established which shall consist of five (5) members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by Section 414.8 of the Code of Iowa. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate.
2. **Proceedings of the Board of Adjustment.** The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this zoning ordinance. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson or, in the Chairperson's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions of the Board concerning special exceptions or variances shall also be recorded in the office of the County Recorder. It shall be the responsibility of the appellant to record said action and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the Zoning/Building Administrator.

165.17 BOARD OF ADJUSTMENT: POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

1. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning/Building Administrator in the enforcement of this chapter. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Adel affected by any decision of the administrative officer. Such appeal shall be taken within sixty (60) days by filing with the Zoning/Building Administrator, and with the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed is taken. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) or more than twenty (20) days' public notice in a paper of local circulation. At said hearing, any party may appear in person, by agent or by attorney. An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning/Building Administrator from whom the appeal is taken certifies to the Board of Adjustment, after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on

notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter, to decide such questions as are involved in determining whether special exceptions should be granted, and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

B. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven (7) or more than twenty (20) days' public notice in a paper of local circulation. At said hearing, any party may appear in person, by agent or by attorney.

C. The public hearing shall be held. Any party may appear in person, by agent or attorney.

D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception and that the granting of the special exception will not adversely affect the public interest.

3. Variance, Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

B. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

- C. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) or more than twenty (20) days' public notice in a paper of local circulation. At said hearing, any party may appear in person, by agent or by attorney.
- D. The public hearing shall be held. Any party may appear in person, by agent or by attorney.
- E. The Board of Adjustment shall make findings that requirements of this section have been met by the applicant for a variance.
- F. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
- G. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- H. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter.
- I. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.

4. Approved Action by Board. The concurring vote of a majority of members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning/Building Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

165.18 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision in the manner provided by the laws of the State or Iowa and particularly by Chapter 414 of the Code of Iowa.

165.19 AMENDMENTS TO ZONING CODE. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven (7) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than twenty (20) days prior to the hearing. Notwithstanding Section 414.2 of the Code of Iowa, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In the case, however,

of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is located within two hundred feet (200') of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.

165.20 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning/Building Administrator. The Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

165.21 VIOLATIONS AND PENALTIES. Violation of the provisions of this chapter with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

165.22 OTHER REMEDIES. Nothing herein shall be construed to prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter. In case any building, structure, or sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, sign, or land is used in violation of this chapter, the City, in addition to other remedies, may institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about the premises.

165.23 INTENT OF NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES; NONCONFORMING USES OF STRUCTURES AND PREMISES AND NONCONFORMING CHARACTERISTICS OF USE. (*Ord. 290 – Jul. 13 Supp.*)

Within the districts established by this chapter there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the zoning ordinance was passed or amended, but which are prohibited, regulated, or restricted under the terms of the ordinance or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory

to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

165.24 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, provided other limitations imposed by this chapter are complied with. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment except that in the case of destruction, the same dimensions of any building comprising the same location may be permitted.

165.25 NONCONFORMING USES OF LAND. *(Ord. 290 – Jul. 13 Supp.)*

Where at the time of passage of the zoning ordinance lawful use of land exists which would not be permitted by the regulations imposed by the ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the zoning ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the zoning ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent and future use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

165.26 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of the zoning ordinance which could not be built under the terms of the ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means or to any extent, it shall be allowed to be reconstructed to its previous dimensions or to dimensions which decrease the nonconformity, except in conformity with the provisions of this chapter.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

165.27 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at

the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by the zoning ordinance in the district in which it is located shall be enlarged, extended, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the zoning ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purpose of the subsection, is defined as damage to an extent of more than 75 percent of the replacement cost at time of destruction. Replacement shall begin within six (6) months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within 18 months of the time of destruction or the nonconforming status shall expire.

165.28 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the square footage of floor area of the building as it existed at the time of passage or amendment of the zoning ordinance shall not be increased.

**165.29 USES UNDER SPECIAL EXCEPTION PROVISIONS NON-
NONCONFORMING USES.** *(Ord. 290 – Jul. 13 Supp.)*

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

165.30 ZONING DISTRICTS. In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of building hereafter erected or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other open spaces within the surrounding area of such buildings, the City is hereby divided into fifteen (15) classes of zoning districts. The use, height and area regulations are uniform in each class of zoning district and said districts shall be known as:

- A-1 Existing Agriculture District
- A-2 Agriculture / Estates District
- CN Conservation District
- R-1 Single-Family Residential District (High Density)
- R-2 Single-Family Residential District (Medium Density)
- R-3 Single-Family Residential District (Low Density)
- R-4 Multi-Family Residential District
- R-5 Townhouse Residential District
- R-6 Mobile Home Park
- C-1 General Commercial
- C-2 Business and Neighborhood District (Older Square District)
- C-3 Highway Commercial District
- M -1 Light Industrial District
- M-2 Medium Industrial District
- M-3 Heavy Industrial District

(Ord. 290 – Jul. 13 Supp.)

165.31 BOUNDARIES. The boundaries of the zoning districts are indicated upon the Official Zoning Map of the City, which map is made a part of this chapter by reference. The Official Zoning Map of the City, and all the notations, references and other matters shown thereon shall be as much a part of this chapter as if the notations, references, and other matters set forth on said map were all fully described herein; the original of which is properly attested and is on file in the office of the City Clerk. The district boundaries are either municipal corporate lines, lot lines or the centerlines of streets and alleys, unless otherwise shown, and where the districts designated are bounded approximately by street, alley, or lot lines and are not dimensioned otherwise, the lot lines or the centerlines of streets and alleys shall be construed to be the boundary of the district. Disputes concerning the exact location of any zoning district boundary line shall be decided by the Board of Adjustment according to the intent of this chapter.

165.32 ANNEXATION. All territory hereafter annexed to the City shall be classified as being located in the A-1 Agricultural District until such classification is subsequently changed by an amendment to the Zoning Code.

[The next page is 831]

165.33 A-1 EXISTING AGRICULTURAL DISTRICT. The regulations set forth in this section, or elsewhere in this chapter which are applicable, shall apply in the A-1 Existing Agricultural District.

1. Purpose and Intent. This district is intended to provide for the protection and preservation of the prime agricultural land resources that are within the sphere of influence of the urbanizing area. This district recognizes the need to establish controls over certain existing agricultural areas in order to prevent the establishment of scattered small lot subdivisions that force the extension of urban services into areas more appropriately suited for non-urban development.
2. Principal Permitted Uses.
 - A. Family-owned general farming including poultry excluding farm feeding offal or garbage.
 - B. Family-owned specialty farming, including dairying, livestock raising, truck farming and excluding livestock feeding stations or lots, hog farms.
 - C. Accessory uses incidental to and on the same zoning lot as the principal use as follows:
 - (1) A single-family detached home when occupied by the owner or lessee of the principal use.
 - (2) Agricultural buildings and structures.
 - (3) Garages.
 - (4) Private guest house and/or servant quarters.
 - (5) Roadside stands for the display and sale of agricultural products on zoning lots where the principal use is agricultural.
 - (6) Storage of building materials and equipment and temporary buildings for construction purposes for a period not to exceed the duration of such construction
 - D. Single-Family Dwelling. *(Ord. 290 – Jul. 13 Supp.)*
3. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment:
 - A. Commercial nurseries and greenhouses.
 - B. Mining, quarrying, or extraction of minerals or soil, or depositing such materials in operations not related to development or construction activity for which plans have been approved in accordance with applicable regulations of the City.
 - C. Kennel (commercial).
 - D. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including aesthetics, have been mitigated to the extent possible.

- E. Bed and Breakfast (occupational permit required).
- F. Airports, heliports, and landing strips, including those for the private use of an individual and those for ultra-light aircraft, together with hangers, terminal facilities, and other auxiliary facilities.
- G. Churches or accessory facilities (on or off site).
- H. Cemeteries, crematories or mausoleums.
- I. Stables, private or public.
- J. Publicly operated sanitary landfills.
- K. Private recreational camps, golf course and recreational facilities.
- L. Publicly owned and operated buildings and facilities.

4. Height Regulations. 2½ stories or 35 feet, excluding farm buildings.

5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed:

| | |
|--|----------|
| Lot area..... | 5 acres |
| Lot width | 300 feet |
| Front yard depth | 60 feet |
| Side yard (least width on any one side)..... | 50 feet |
| Width (minimum sum of both side yards)..... | 100 feet |
| Rear yard depth | 50 feet |

6. Required Conditions. No commercial feed lot may be located closer than one-half mile from any R - Residential District or C - Commercial District.

7. Off-Street Parking. The following off-street parking requirements shall apply in the AG District:

- A. Dwellings: one (1) parking space on the lot for each living unit in the building.
- B. Churches: one (1) parking space within 400 feet of the lot for each 5 seats in the main auditorium.
- C. Public buildings and facilities: one (1) parking space for each 300 square feet of gross floor area or one (1) parking space for each 5 seats in the main assembly area.
- D. Roadside stands: one (1) parking space for each 50 square feet of enclosed floor area.
- E. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

8. Off-Street Loading. The following off-street loading requirements shall apply in the AG District:

- A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way.

[The next page is 839]

165.34 A-2 RURAL/ESTATES DISTRICT. The regulations set forth in this section, or elsewhere in this chapter which are applicable, shall apply in the A-2 Rural/Estates District.

1. Purpose and Intent. The purposes of this district are to provide space on the fringes of the developed areas of the City for rural activities and estate single-family development, to promote the economic use of land until it is needed for intensive urban development and to prevent the premature scattering of small lot subdivision development and extending of public facilities and services.
2. Principal Permitted Uses. A building or premises shall be used only for the following purposes:
 - A. Single-family detached dwellings.
 - B. Parks.
 - C. Open spaces.
 - D. Agriculture. (The raising and keeping of animals is prohibited on a commercial basis.)
 - E. Family home.
3. Accessory uses incidental to and on the same zoning lot as the principal use as follows:
 - A. Agricultural building and structures.
 - B. Club houses and other structures on the grounds of golf courses.
 - C. Garages. *(Ord. 320 – Jul. 17 Supp.)*
 - D. Private greenhouses.
 - E. Private guest houses.
 - F. Private boat houses.
 - G. Servants quarters.
 - H. Roadside stands for the display and sale of agricultural products on zoning lots where the principal use is agriculture.
 - I. Storage of building materials and equipment and temporary buildings for construction purposes for a period not to exceed the duration of such construction.
4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment.
 - A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 - B. Cemeteries.
 - C. Churches and other religious organizations (SIC 8661).
 - D. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 - E. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including

facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.

- F. Bed and breakfast.
- G. Nursery schools and other child care (SIC 8351).
- H. Recreational vehicle parks and campgrounds.
- I. Private kennels.
- J. Private stables.
- K. Golf courses.
- L. Other uses determined by the Board of Adjustment to be similar in character.

5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed:

| | |
|--|----------|
| Lot area | 3 acres |
| Lot width | 200 feet |
| Front yard depth | 50 feet |
| Side yard (least width on any one side)..... | 50 feet |
| Width (minimum sum of both side yards)..... | 100 feet |
| Rear yard depth | 50 feet |

6. Off-Street Parking. The following off-street parking requirements shall apply in the AG District:

- A. Dwellings: one (1) parking space on the lot for each living unit in the building.
- B. Churches: one (1) parking space within 400 feet of the lot for each 5 seats in the main auditorium.
- C. Public buildings and facilities: one (1) parking space for each 300 square feet of gross floor area or one (1) parking space for each five seats in the main assembly area.
- D. Roadside stands: one (1) parking space for each 50 square feet of enclosed floor area.
- E. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

7. Off-Street Loading. The following off-street loading requirements shall apply in the AG District:

- A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way.

[The next page is 847]

165.35 CN CONSERVATION DISTRICT. The regulations in this section, or elsewhere in this chapter which are applicable, shall apply in the CN Conservation District.

1. Purpose and Intent. This district is intended to prevent, in those areas that are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare. This district is also intended to provide for water conservation, erosion control, protection of wildlife habitat, protection of natural erosion control, protection of natural drainage ways and generally to provide for ecologically sound land use of environmentally sensitive areas.
2. Principal Permitted Uses.
 - A. Undeveloped and unused land in its natural condition.
 - B. Public parks and recreation open space.
3. Accessory Uses.
 - A. Agriculture, exclusive of dwelling units.
 - B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded. (No storage of harmful chemicals that could harm people or environment without written permission of the City.)
 - C. Flood control structures.
 - D. Roadside stands offering for sale only agricultural products or other products produced on premises.
 - E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions.
 - A. Stables, private or public.
 - B. Greenhouse and nurseries.
 - C. Private recreational uses (non-motorized only).
 - D. Public or private utility substations, relay stations, etc.
5. Height Regulation. 2½ stories or 35 feet, excluding farm buildings.
6. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed:

| | |
|---|----------|
| Lot area | 5 acres |
| Lot width | 200 feet |
| Front yard depth | 50 feet |
| Side yard (least width on any one side) | 50 feet |
| Width (minimum sum of both side yards) | 100 feet |
| Rear yard depth | 50 feet |
7. Off-Street Parking. The following off-street parking requirements shall apply in the CN District:
 - A. Roadside stands: one (1) parking space for each 50 square feet of floor area.

- B. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.
8. Off-Street Loading. The following off-street loading requirements shall apply in the CN District:
- A. All activities or uses allowed in the CN District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
 - B. Loading shall not be permitted to block public right-of-way.

[The next page is 855]

165.36 R-1 (HIGH DENSITY) SINGLE-FAMILY RESIDENTIAL DISTRICT. The regulations set forth in this section or elsewhere in this chapter which are applicable, shall apply in the R-1 (High Density) Single-Family Residential District. This also recognizes older areas of Adel.

1. Purpose and Intent. The purpose of this district is to provide space for the smallest standard lot for single-family living where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare.
2. Permitted Uses.
 - A. Single-family detached dwellings.
 - B. Elder Home. Any residential facility which meets the definition of an elder home as defined in Chapter 414.29 and referenced sections of the Code of Iowa.
 - C. Family homes.
 - D. Home occupations.
 - E. Two Family Attached Dwellings. *(Ord. 290 – Jul. 13 Supp.)*
3. Accessory Uses.
 - A. Private garages.
 - B. Normal accessory buildings and structures for a dwelling such as: swimming pools, children’s playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, greenhouses, gazebos, etc.
 - C. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work. *(Ord. 290 – Jul. 13 Supp.)*
4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment, provided such use complies with the requirements of this and all other City ordinances and is in accordance with the Comprehensive Plan of the City.
 - A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 - B. Nursery schools and other child care (SIC 8351).
 - C. Churches and other religious organizations (SIC 8661).
 - D. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 - E. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all

negative impacts, including aesthetics, have been mitigated to the extent possible.

- F. Bed and breakfast houses.
- G. Home occupation in accessory buildings.

- 5. Maximum Height Regulations. No principal building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.
- 6. Lot Area, Frontage and Yard Set Back Requirements.

| | Single Family | Two-Family | For Non-Dwellings |
|---|--|----------------|-------------------|
| Lot Area | 8,000 sq. ft. | 10,000 sq. ft. | One Acre |
| Lot Frontage | 65 feet | 85 feet | 150 feet |
| Front Yard Depth | 25 feet | 30 feet | 50 feet |
| Side Yard (least width on any one side) | A total of 15 feet; one side may be reduced to not less than 7 feet; 15 feet for any other principal building. | 10 feet | 25 feet |
| Width (minimum sum of both side yards) | 16 feet | 20 feet | 50 feet |
| Rear Yard Depths | 25 feet | 30 feet | 50 feet |

In the event public sewer is not available for a dwelling, the minimum lot area shall be 20,000 square feet.

(Ord. 321 – Aug. 17 Supp.)

- 7. Minimum Floor Area. Single-family dwellings shall have a minimum of one thousand (1,000) square feet of living space. If the dwelling is two or more stories high, the first floor living space shall contain a minimum of eight hundred (800) square feet.
- 8. Off-Street Parking Regulations.
 - A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.
 - B. For two-family dwellings: two (2) spaces per dwelling unit.
- 9. Off-Street Loading. The following off-street loading requirements apply in the R-1 District:
 - A. All activities or uses allowed in the R-1 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
 - B. Loading is not permitted to block public right-of-way.

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165.37 R-2 (MEDIUM DENSITY) SINGLE-FAMILY RESIDENTIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for medium sized lots for single-family living and two-family dwellings in intermediate locations in the interior of areas planned as neighborhoods that are or soon will be served by a full-range of public services.
2. Permitted Uses. Any use permitted in the R-1 District and accessory uses incidental to and on the same zoning lot as the principal use.
3. Accessory Uses.
 - A. Private garages.
 - B. Normal accessory buildings and structures for a dwelling, such as swimming pools, children's playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, etc.
 - C. Raising and keeping of animals is prohibited on a commercial basis.
 - D. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.
 - A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 - B. Cemeteries.
 - C. Churches and other religious organizations (SIC 8661).
 - D. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 - E. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including esthetics, have been mitigated to the extent possible.
 - F. Nursery schools and other child care (SIC 8351).
 - G. Bed and breakfast house.
 - H. Home occupation in accessory buildings.
5. Maximum Height Regulations. No principal building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

6. Lot Area, Frontage and Yard Set Back Requirements.

| | For Dwellings | For Non-Dwellings |
|---|----------------------|--------------------------|
| Lot area | 10,000 square feet | one acre |
| Lot frontage | 90 feet | 150 feet |
| Front yard depth | 30 feet | 50 feet |
| Side yard (least width on any one side) | 10 feet | 25 feet |
| Width (minimum sum of both side yards) | 20 feet | 50 feet |
| Rear yard depths | 30 feet | 50 feet |

In the event public sewer is not available for a dwelling, the minimum lot area shall be 20,000 square feet.

7. Minimum Floor Area. Single-family dwellings shall have a minimum of one thousand two hundred (1,200) square feet of living space. Two-family dwellings shall have a minimum of nine hundred fifty (950) square feet for each unit. If the building is two or more stories high, the first floor living space of a single-family dwelling shall contain a minimum of nine hundred (900) square feet; and the first floor living space of a two-family dwelling shall contain a minimum of seven hundred fifty (750) square feet.

8. Dwelling Width. The minimum dwelling width shall be 30 feet at the exterior dimension.

9. Off-Street Parking Regulations.

- A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.
- B. For two-family dwellings: two (2) spaces per dwelling unit.

10. Off-Street Loading. The following off-street loading requirements apply in the R-2 District:

- A. All activities or uses allowed in the R-2 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading is not permitted to block public right-of-way.

[The next page is 871]

165.38 R-3 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for relatively large lots for single-family living and generally situated in the interior of areas planned as neighborhoods that are or soon will be served by a full-range of public services.

2. Permitted Uses. Any use permitted in the R-1 District.

(Ord. 290 – Jul. 13 Supp.)

3. Accessory Uses.

A. Private garages.

B. Normal accessory buildings and structures for a dwelling, such as swimming pools, children's playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, etc.

C. Raising and keeping of animals is prohibited on a commercial basis.

D. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.

A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.

B. Churches and other religious organizations (SIC 8661).

C. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.

D. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including esthetics, have been mitigated to the extent possible.

E. Nursery schools and other child care (SIC 8351).

F. Bed and breakfast house.

G. Clinics (SIC 8011, 8021, 8031, 8041, 8042, 8043, 8049).

5. Maximum Height Regulations. No principal building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

6. Lot Area, Frontage and Yard Set Back Requirements.

| | For Dwellings | For Non-Dwellings |
|---|----------------------|--------------------------|
| Lot area | 20,000 square feet | one acre |
| Lot frontage | 150 feet | 200 feet |
| Front yard depth | 50 feet | 60 feet |
| Side yard (least width on any one side) | 30 feet | 30 feet |
| Width (minimum sum of both side yards) | 60 feet | 60 feet |
| Rear yard depths | 60 feet | 60 feet |

In the event public sewer is not available for a dwelling, the minimum lot area shall be 20,000 square feet.

7. Minimum Floor Area. Single-family dwellings shall have a minimum of two thousand (2,000) square feet of living space. Two-family dwellings shall have a minimum of one thousand two hundred (1,200) square feet for each unit. If the building is two or more stories high, the first floor living space of a single-family dwelling shall contain a minimum of one thousand two hundred (1,200) square feet; and the first floor living space of a two-family dwelling shall contain a minimum of nine hundred (900) square feet.

8. Dwelling Width. The minimum dwelling width shall be 40 feet at the exterior dimension.

9. Off-Street Parking Regulations.

A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.

B. For two-family dwellings: two (2) spaces per dwelling unit.

10. Off-Street Loading. The following off-street loading requirements shall apply in the R-3 District:

A. All activities or uses allowed in the R-3 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

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165.39 R-4 MULTI-FAMILY RESIDENTIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for multi-family development lots generally situated in the interior of areas planned as neighborhoods that are or soon will be served by a full-range of public services.
2. Permitted Uses. A building or premises shall be used only for the following purposes.
 - A. Any use permitted in the R-2 Residential District providing such use shall comply with the minimum requirements of the R-3 District.
 - B. Multiple-family apartment and condominium buildings designed for more than two (2) dwelling units providing such use shall not exceed 4 buildings per one-half acre of lot area, and 24 dwelling units for each building.
(Ord. 320 – Jul. 17 Supp.)
 - C. Multi-family dwellings when part of a townhouse residential complex of two or more such buildings, and provided such complex shall not exceed eight (8) dwelling units on each acre of lot area.
 - D. Nursery schools and other child care.
3. Accessory Uses.
 - A. Any use permitted in the R-1, R-2 & R-3 Residential District providing such use shall comply with the minimum requirements of either district.
 - B. Multi-family entertainment and service centers, providing such areas are not located to the front of the principal building at ground level or above, and such areas shall be screened from public view.
 - C. Retail shops and refreshment stands accessory to principal buildings described in this section (apartment and condominium buildings); provided, however, there shall be no access to such place of retail shop except from the inside of the principal building or internal courtyard, nor shall any display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building.
4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.
 - A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 - B. Churches and other religious organizations (SIC 8661).
 - C. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 - D. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including esthetics, have been mitigated to the extent possible.

- E. Nursery schools and other child care (SIC 8351).
 - F. Bed and breakfast house.
 - G. Clinics (SIC 8011, 8021, 8031, 8041, 8042, 8043, 8049).
5. Height Regulations. No multi-family building shall exceed three (3) stories or thirty-five (35) feet in height, at the required front, side and rear yard building lines.
6. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements for all uses shall be observed:

| | For Dwellings | For Non-Dwellings |
|---|----------------------|--------------------------|
| Lot area | 10,000 square feet | one acre |
| Lot frontage | 90 feet | 200 feet |
| Front yard depth | 30 feet | 60 feet |
| Side yard (least width on any one side) | 10 feet | 30 feet |
| Width (minimum sum of both side yards) | 20 feet | 60 feet |
| Rear yard depths | 35 feet | 60 feet |

The side yard least width on any one side for townhouses shall, however, be zero feet.

7. Open Space Regulations. On each lot there shall be provided an open space equal to at least twenty percent (20%) of the total lot area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two 20-foot lanes that are separated by open space.
8. Off-Street Parking Regulations.
- A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.
 - B. For multi-family dwellings: two (2) spaces per dwelling unit.
9. Off-Street Loading. The following off-street loading requirements shall apply in the RS District:
- A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
 - B. Loading shall not be permitted to block public right-of-way.

[The next page is 887]

165.40 R-5 TOWNHOUSE RESIDENTIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for individuals and small families in low-density group housing accommodations with individual or shared parking, open space and other facilities in locations near major arterials and shopping facilities and in neighborhoods that are or soon will be served by a full range of public services.
2. Permitted Uses. Any use permitted in and conforming to the minimum and maximum requirements of the R-2 or R-3 District and multiple family uses. Accessory uses incidental to and on the same zoning lot as the principal use.
3. Accessory Uses.
 - A. Private garages.
 - B. Normal accessory buildings and structures for a dwelling, such as swimming pools, children's playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, etc.
 - C. Raising and keeping of animals is prohibited on a commercial basis.
 - D. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.
 - A. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 - B. Churches and other religious organizations.
 - C. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 - D. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public, that no reasonable alternative exists, and that all negative impacts, including esthetics, have been mitigated to the extent possible.
 - E. Nursery schools and other child care.
 - F. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, but not including care of (or homes for) the emotionally disturbed, mentally ill, retarded, persons with social or personal problems, delinquents or offenders, or persons with past or present drug or alcohol dependence.
 - G. Bed and breakfast.
5. Use Intensity Ratios. A maximum land use intensity ratio of 4.0 shall be permitted. Ratios relating to floor area, open space, living space and recreation space

shall be coordinated for this and any lesser rating that may be selected to the degree that minimum and maximum requirements indicated in Table 1 for each ratio are observed.

TABLE 1: LAND USE INTENSITY RATIOS

| Land Use Intensity Rating | Maximum Floor Area Ratio | Minimum Open Space Ratio | Minimum Living Space Ratio | Minimum Recreation Space Ratio | Land Use Intensity Ratio |
|---------------------------|--------------------------|--------------------------|----------------------------|--------------------------------|--------------------------|
| 3.0 | .100 | 8.3 | 6.5 | .25 | 3.0 |
| 3.1 | .107 | 7.4 | 5.8 | .24 | 3.1 |
| 3.2 | .115 | 6.9 | 5.2 | .23 | 3.2 |
| 3.3 | .123 | 6.4 | 4.7 | .23 | 3.3 |
| 3.4 | .132 | 5.9 | 4.2 | .22 | 3.4 |
| 3.5 | .141 | 5.5 | 3.8 | .21 | 3.5 |
| 3.6 | .152 | 5.1 | 3.5 | .20 | 3.6 |
| 3.7 | .162 | 4.8 | 3.3 | .20 | 3.7 |
| 3.8 | .174 | 4.4 | 3.0 | .19 | 3.8 |
| 3.9 | .187 | 4.2 | 2.8 | .19 | 3.9 |
| 4.0 | .200 | 3.8 | 2.6 | .18 | 4.0 |
| 4.1 | .214 | 3.6 | 2.4 | .18 | 4.1 |
| 4.2 | .230 | 3.3 | 2.2 | .17 | 4.2 |
| 4.3 | .246 | 3.0 | 2.0 | .16 | 4.3 |
| 4.4 | .264 | 2.8 | 1.8 | .16 | 4.4 |
| 4.5 | .283 | 2.6 | 1.7 | .15 | 4.5 |
| 4.6 | .303 | 2.4 | 1.5 | .15 | 4.6 |
| 4.7 | .325 | 2.2 | 1.4 | .14 | 4.7 |
| 4.8 | .348 | 2.1 | 1.3 | .14 | 4.8 |
| 4.9 | .373 | 1.9 | 1.2 | .14 | 4.9 |
| 5.0 | .400 | 1.8 | 1.1 | .13 | 5.0 |
| 5.1 | .429 | 1.7 | 1.0 | .13 | 5.1 |
| 5.2 | .459 | 1.6 | .91 | .12 | 5.2 |
| 5.3 | .492 | 1.5 | .84 | .12 | 5.3 |
| 5.4 | .528 | 1.4 | .77 | .12 | 5.4 |
| 5.5 | .566 | 1.3 | .71 | .11 | 5.5 |
| 5.6 | .606 | 1.2 | .66 | .11 | 5.6 |
| 5.7 | .650 | 1.1 | .61 | .10 | 5.7 |

6. Off-Street Parking Regulations.
 - A. There shall be two (2) parking spaces for each dwelling unit, exclusive of private garages.
 - B. For multi-family dwellings: two (2) spaces per dwelling unit.
7. Off-Street Loading. The following off-street loading requirements shall apply in the RS District:
 - A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
 - B. Loading shall not be permitted to block public right-of-way.

[The next page is 895]

165.41 R-6 MOBILE HOME PARK DISTRICT.

1. Purpose. This district is intended to provide for certain medium density residential areas in the City, now developed as mobile home parks, which, by reason of their design and location, are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available.
2. Permitted Uses.
 - A. Mobile homes located in an approved mobile home park.
 - B. Home occupations.
3. Accessory Uses.
 - A. Private garages.
 - B. The raising and keeping of animals is prohibited on a commercial basis.
 - C. Private recreational facilities.
 - D. Temporary buildings for such use incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
4. Conditional Uses. The following conditional uses may be allowed by the Board of Adjustment subject to the requirements of this and all other City ordinances and in accordance with the Comprehensive Plan of the City.
 - A. Public or private utility substations, relay stations, etc.
 - B. Nursery schools.
 - C. Churches or accessory facilities (on or off site).
 - D. Home occupations in accessory buildings.
5. Mobile Home Park Plan. Each petition for a change to the R-6 zoning classification shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and sewer lines servicing each mobile home space, the location of garbage receptacles, water hydrants, service buildings, driveways, walkways, recreational areas, required yards, existing and proposed grading, parking facilities, lighting, landscaping, and the location of existing trees, buildings or other significant features. Each mobile home park shall be equipped with a storm shelter determined by emergency management. The required plan shall be considered by the Planning and Zoning Commission and Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary.

6. Lot Area, Frontage and Yard Requirements.

| | Single Units | Double Wide Units |
|---|---------------------|--------------------------|
| Lot area | 4,000 square feet | 4,200 square feet |
| Lot frontage | NA | NA |
| Front yard depth | 20 feet | 20 feet |
| Side yard (least width on any one side) | 10 feet | 10 feet |
| Width (minimum sum of both side yards) | 20 feet | 20 feet |
| Rear yard depths | 20 feet | 20 feet |

7. Additional Requirements.

A. Each mobile home site shall be provided with a stand or pad consisting of a reinforced, 4-inch, poured Portland cement concrete apron not less than 8 feet wide and 45 feet long and paved outdoor patio of at least 180 square feet located at the main entrance to the mobile home.

B. No mobile home shall be located within 5 feet of any driveway or parking space or less than 30 feet from the side or rear lot lines of the mobile home park.

C. Tie-downs or anchors shall be provided on every mobile home stand. Each tie-down or anchor must be able to sustain a minimum tensile strength as required by the State of Iowa.

D. Skirting of a permanent-type material and construction shall be installed within ninety (90) days to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

E. Sewer and water facilities shall be provided for each mobile home park space in accordance with requirements of the Iowa Department of Health. All mobile home developments must be connected to the municipal water system. All electrical and telephone lines shall be placed underground.

F. The entrance road connecting the park streets with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back to back of curbs. All minimum street widths in mobile home parks shall be approved as private streets and further comply with the following:

G. Each unit will provide two (2) off-street parking spaces.

Parallel parking on one side:

- 1-way traffic streets – 20 feet minimum
- 2-way traffic streets – 30 feet minimum

Parallel parking on both sides:

- 1-way traffic streets – 26 feet minimum
- 2-way traffic streets – 36 feet minimum

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165.42 C-1 GENERAL COMMERCIAL DISTRICT.

1. Purpose. The C-1 District is intended to provide an area for the business, financial, professional, and commercial needs of the community, especially those which can be most suitably located in a compact, centrally located traditional business district.
(*Ord. 290 – Jul. 13 Supp.*)
2. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district.
 - A. Grocery Stores (5411-SIC).
 - B. Meat and seafood markets, but not including slaughtering or carcass meats (5423-SIC).
 - C. Fruit stores and vegetable markets (5431-SIC), provided that no outdoor or open-air display, sales or storage shall be permitted.
 - D. Candy, nut, and confectionery stores (5441-SIC).
 - E. Dairy product stores (5451-SIC), retail over the counter sales only.
 - F. Retail bakeries including baking and selling (5462-SIC).
 - G. Non-commercial museums and art galleries (8411-SIC).
 - H. Drug Stores (5912-SIC).
 - I. Variety store, junior department store, or showroom / catalog store, not to exceed 15,000 square feet of gross floor area.
 - J. Beauty shops (7231-SIC) and barber shops (7341-SIC), but not including schools.
 - K. Tailor shops, including clothing alteration and repair shops.
 - L. Shoe repair shop, shoe shining (7251-SIC).
 - M. Watch, clock and jewelry repair (7631-SIC).
 - N. Electrical repair shops (7622-SIC).
 - O. Coin operated laundries and dry cleaning establishments using nonflammable solvents.
 - P. Eating places, including drive-in and carry-out establishments, but not including caterer (5812-SIC) or live entertainment, health food stores.
 - Q. Drinking places, but not including discotheques or live entertainment (5813- SIC), and not to exceed an occupancy of 125 persons; the area utilized for dancing shall not exceed one-eight (1/8) of the patron area excluding restrooms and foyers, and dancing shall cease when the bar closes to the public.
 - R. Hardware stores (5251-SIC).
 - S. Paint, glass, and wallpaper stores, retail sales to the general public only, apparel and accessory stores, including storage and repair of fur garments but not including trading in furs (5600-SIC).
 - T. Sporting goods stores and bicycle shops (5941-SIC), but not including sales of motorized vehicles.
 - U. Book stores (5942-SIC) and stationery stores (5943-SIC).

- V. Jewelry stores (5944-SIC) and dry cleaning.
- W. Hobby, toy and game shops (5945-SIC).
- X. Camera and photographic supply stores (5946-SIC), including photofinishing services for the general public and photographic studios, portraits (7221-SIC) commercial photography, art, and graphics (7333-SIC).
- Y. Gift, novelty, and souvenir shops (5947-SIC).
- Z. Luggage and leather goods (5948-SIC).
- AA. Sewing, needlework, and piece goods stores (5949-SIC).
- BB. Formalwear and costume rental, not including used merchandise shops.
- CC. Florists (5992-SIC), including potted house plants.
- DD. Optical goods and hearing aids.
- EE. Retail pet food stores and pet grooming, provided that kennels, boarding, and sales of pets other than tropical fish are expressly prohibited as either principal or accessory uses.
- FF. Artists' and architectural supply.
- GG. Retail coin, philatelist, and autograph shops.
- HH. Religious goods.
- II. News dealers and newsstands (5994-SIC) and news syndicates (7351-SIC).
- JJ. Radio, television, and music stores including home video equipment (5731-SIC).
- KK. Miscellaneous home furnishings such as glassware and linens (5719-SIC).
- LL. Interior decorators, including retail sale of draperies and curtains.
- MM. Household appliance stores but not including cabinets or plumbing fixtures.
- NN. Floor covering stores (5713-SIC) primarily engaged in retail sales and incidental installation, but not including establishments primarily engaged in installing or supplying building contractors.
- OO. Retail sale of household furniture, but not including cabinets, not to exceed 10,000 square feet in gross floor area.
- PP. Health clubs or spas, beauty spas or reducing salons, and similar health and beauty services, but not including lodging (5231-SIC).
- QQ. Apparel and accessory stores, including storage and repair of fur garments.
- RR. Real estate and legal services (6500-SIC; 8111-SIC).
- SS. Business associations (8611-SIC); Professional membership associations (8621-SIC); and other membership organizations (8699-SIC) including civic, social, fraternal, religious (8651-SIC) and political (8651-SIC).

TT. Advertising agencies and radio, television and publishers' advertising representatives (7311 and 7313-SIC).

UU. Offices of manufacturers' sales representatives, subject to on-site sales, display, or storage of stock in trade.

VV. Personnel Supply Services (736-SIC).

WW. Blueprinting and photocopying services (7332-SIC).

XX. Travel agencies and bureaus.

YY. Blood banks.

ZZ. Professional, scientific and technical services.

(Ord. 290 – Jul. 13 Supp.)

3. Accessory Uses

A. Uses clearly subordinate and customarily incidental to the principal use, including storage of merchandise and preparation of certain products.

B. Food and beverage services, cocktail lounges, apothecaries, barber shops or beauty salons, drafting or quick printing services, optical shop, recreational facilities primarily for use of employees, or similar uses shall be permitted where it can be demonstrated that the number of employees or clientele of the principal uses on the lot are sufficient to support such uses, subject to the following criteria in addition to all other requirements of this ordinance:

(1) Such incidental or accessory use may be a separate tenant but shall be incorporated within the principal building and designed to serve the employees of the principal building or their clientele. Such use shall not have any direct access from the exterior, but shall access through a principal use or from a common enclosed mall or courtyard.

(2) Total area of all accessory uses shall not exceed 25% of the gross leasable floor area of the building.

(3) No signage or merchandise shall be displayed as to be visible to the general public from outside the building.

(Ord. 290 – Jul. 13 Supp.)

4. Conditional Uses.

A. Retail sale of nursery stock including outdoor storage and sales of same, seeds and fertilizers, and other garden supplies and tools, but not including power mowers and similar tools.

B. Auditoriums or assembly areas for more than 100 persons as a customary accessory use to a permitted use.

C. Veterinarian clinics or animal hospitals providing overnight boarding or lodging.

D. Gasoline service stations, muffler installation and other routine maintenance, tire dealers, retail sale of gas and oil, filling stations, and car washes.

- E. Business and secretarial schools (SIC 8244).
 - F. Outpatient care facilities (SIC 8081).
 - G. General medical and surgical hospitals (SIC 8062).
 - H. Child Day Care Services (SIC 8351).
 - I. Communication towers with a maximum height of 150 feet, located not less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan.
 - J. Storage facilities. *(Ord. 320 – Jul. 17 Supp.)*
5. Performance Standards.
- A. Storage shall be limited to those inventories, supplies, and equipment necessary to support the principal use and shall not exceed forty (40) percent of the total gross floor area; further provided that storage shall be wholly contained within the principal building.
 - B. Certain products such as bakery goods may be produced for retail sale on the premises on which they are produced provided that such production shall be clearly accessory to the retail use of the premises and all such products shall be sold at retail on the premises on which they are produced.
 - C. No noise, vibration, hazard, glare, air pollutants such as fumes or dust, odor other than that which might originate from food preparation by a bakery or restaurant, or electro-magnetic disturbances shall be generated.
 - D. No wholesaling shall be permitted, except for certain products such as automotive parts which may be purchased on a largely individual basis for resale as part of a repair service as opposed to bulk shipments and deliveries.
 - E. Nothing shall be construed to permit any use of an adult entertainment nature.
 - F. All activities, storage, and display shall be contained within a fully enclosed building, except for uses such as sale of gasoline which by their nature must be conducted outside.
 - G. All refuse collection areas shall be fully enclosed by a 6-foot high opaque wood fence or masonry wall.
 - H. Where the lot abuts property zoned for residential use, a buffer shall be provided between such use. (See subsection 6 of this section.)
 - I. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant materials.
 - J. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 40 feet from any other drive as measured from centerline to centerline. Where such common drive is provided and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to 5 percent. One

additional drive access may be permitted a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided. The City Council may authorize additional drives in any case upon finding such access will not create congestion or traffic hazards.

6. Bulk Requirements. The following requirements shall be observed.
 - A. Minimum Lot Area: None.
 - B. Minimum Lot Width: None.
 - C. Minimum Front Yard: 20 feet.
 - D. Minimum Side Yards: Adjacent to a street - 20 feet; adjacent to a residentially zoned property - 30 feet; otherwise none required.
 - E. Minimum Rear Yard: Adjacent to residentially zoned property - 30 feet; otherwise none required.
 - F. Maximum Height: Two stories with a maximum total height of 35 feet, provided that no building shall exceed a bulk plane having a 14 degree altitude calculated from a horizontal plane extending through a line located eighteen feet above the average elevation of the rear lot line when the rear yard abuts a residential district lying to the north, or when a commercial structure with an existing solar energy device or passive solar energy building design, said design to be previously documented and to include thermal storage, lies to the north.

(Subsections A and B – Ord. 320 – Jul. 17 Supp.)

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165.43 REPEALED RESERVED FOR LATER USE.

(Former 165.43 - Repealed by Ordinance No. 290 – Jul. 13 Supp.)

[The next page is 923]

165.44 C-2 BUSINESS AND NEIGHBORHOOD DISTRICT (OLDER SQUARE DISTRICT).

Ord. 290 – Jul. 13 Supp.)

1. Purpose. This district is intended to provide for certain areas of the City for the development of service, retail and other non-residential uses, excluding industrial and agricultural uses. It is intended to permit small scale commercial uses compatible with adjacent residential neighborhoods. *(Ord. 290 – Jul. 13 Supp.)*
2. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district.
 - A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products, and incidental sales or display outside the building.
 - B. Offices and clinics.
 - C. Publicly owned and operated buildings and facilities.
 - D. All permitted uses in C-1. *(Ord. 290 – Jul. 13 Supp.)*
3. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the C-2 District:
 - A. Private recreational facilities.
 - B. Dwellings, second floor and above.
 - C. Private garages.
 - D. Parking lots.
 - E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work. *(Ord. 290 – Jul. 13 Supp.)*
4. Conditional Use. The following uses may be permitted in the C-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses. *(Ord. 290 – Jul. 13 Supp.)*
 - A. Public or private utility substations, relay stations, etc.
 - B. Satellite dishes. The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings, except that a 72-hour temporary use is allowed. No satellite dish shall exceed a diameter of 4 feet.
 - C. Warehouses.
 - D. Churches or accessory facilities (on or off site).
 - E. Hotels and motels.
 - F. One and two family dwellings subjected to R-1 lot area, frontage and yard setback requirements. *(Ord. 320 – Jul. 17 Supp.)*
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and building in the C-2 District.
 - A. Minimum lot: 2,200 square feet.

- B. Minimum lot width: 20 feet.
- C. Minimum front yard: none, except 20 feet where provided.
- D. Minimum side yard: none, except 6 feet minimum where provided.
- E. Minimum rear yard: none, except 20 feet minimum where provided.
- F. Maximum height: the lesser of 4 stories or 60 feet.

Where this district abuts a lower intensity district, the greater side and rear yard setbacks apply.

6. Off-Street Parking. The following off-street parking requirements shall apply in the BC District.

- A. Sales and service buildings: one (1) parking space per 300 square feet of gross floor area.
- B. Offices/clinic: one (1) parking space per 300 square feet of gross floor area.
- C. Churches: one (1) parking space within 400 feet of the lot for each 5 seats in the main auditorium.
- D. Public buildings and facilities: one (1) parking space per 300 square feet of gross floor area or one (1) parking space for each 5 seats in the main assembly area.
- E. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.
- F. Dwellings: two (2) spaces per unit.

7. Off-Street Loading. The following off-street loading requirements shall apply in the C-2 District.

- A. All activities or uses allowed in the C-2 District shall be provided with adequate receiving facilities accessible by motor vehicle from any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way.

8. Signs. The following sign regulations shall apply to the C-2 District:

- A. Off-premises and on-premises signs are permitted.
- B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- D. No sign may imitate or resemble an official traffic control sign, signal or device.
- E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional, or warning sign erected or maintained by the State, County, Municipality or other governmental

subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, trees, or other perennial plants, or on poles maintained by public utilities.

H. Signs, any part of which project out from the building from 4 to 18 inches, shall be erected so that no portion of the sign is less than 9 feet above grade.

I. Signs must not exceed the maximum permissible height in this district.

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165.45 C-3 HIGHWAY COMMERCIAL DISTRICT. (Ord. 290 – Jul. 13 Supp.)

1. The purpose of this district is to encourage growth and development of business activities and establishments which require highway frontage with a broad use of retail, business, office and service uses. As such, it will attract substantial volumes of traffic, due to its size and the variety of goods offered. It may include supermarkets, department stores, and a large variety of specialty stores, services and office buildings. Because of the substantial volume of traffic and the necessity of maintaining traffic flow on the arterial streets, access must be carefully controlled.

2. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district and permitted uses in C-2.

(Ord. 320 – Jul. 17 Supp.)

A. Department stores (SIC 5311), general merchandise stores (SIC 5399), and variety stores (SIC 5331).

B. Mail order houses (SIC 5961).

C. Caterers.

D. Eating and drinking places, including those with live entertainment and dancing (SIC 5812 and 5813).

E. Freezer and locker meat providers, meat and seafood markets including butchering or processing for retail sale on the premises or for an individual consumer.

F. Retail bakeries including baking and selling (SIC 5462), and including baking for retail outlets in the metropolitan area owned by the same proprietors as an accessory use.

G. Retail pet shops.

H. Furriers, including fur dealing as an accessory to retail sales.

I. Dry cleaning, including processing.

J. Locksmiths, gunsmiths, taxidermists, and other miscellaneous repair shops and related services (SIC 7699).

K. Retail sales and repair of lawn and power mowers.

L. Retail sale of nursery stock including outdoor storage and sales of same, seeds and fertilizers, and other garden supplies and tools (SIC 5261).

M. Gasoline service stations, tire dealers, retail sale of gas and oil, filling stations, and car washes subject to the requirements of subsection 5.

N. Automobile parts store and including installation of mufflers and similar minor equipment, but not including rebuilding of engines, transmissions, or similar work; machining of parts in such magnitude as to violate the performance standards as measured at the property line; or storage of used parts.

O. Liquor stores (SIC 5921).

P. Tobacco stores (SIC 5993).

Q. Custom cabinetry and furniture.

- R. Furniture upholstery and repair (SIC 7641).
 - S. Retail sale and repair of office furniture, typewriters, and other office equipment.
 - T. Retail sale of household furniture.
 - U. Antique stores.
 - V. Motion picture theaters (SIC 7832).
 - W. Billiard and pool establishments (SIC 7932).
 - X. Bowling alleys (SIC 7933).
 - Y. Dance halls, studios, and schools (SIC 7911).
 - Z. Beauty and barber schools.
 - AA. Funeral homes (SIC 7261).
 - BB. Business services (SIC 7300), but not including research and development laboratories (SIC 7391), equipment rental and leasing (SIC 7394), commercial testing laboratories (SIC 7397), or unclassified business services (SIC 7399).
 - CC. Labor or trade union halls.
 - DD. Theatrical producers and miscellaneous theatrical services (SIC 7922).
 - EE. Bands, orchestras, actors, and other entertainers (SIC 7929).
 - FF. Job training and vocational rehabilitation services (SIC 8331), individual and family social services (SIC 8322).
 - GG. Outpatient care facilities (SIC 8081).
3. Accessory Uses. Uses clearly subordinate and customarily incidental to the principal use, including storage of merchandise and preparation of certain products.
4. Conditional Uses.
- A. Auditoriums or assembly areas for more than 100 persons, either as a customary accessory use or a principal use.
 - B. Outdoor patios or serving areas for eating and drinking places, provided that no amplified sound shall be permitted.
 - C. Veterinarian clinics or animal hospitals providing overnight boarding or lodging.
 - D. Business, trade, and secretarial schools (SIC 8244).
 - E. General medical and surgical hospitals (SIC 8062).
 - F. Other amusement or recreational services not listed as permitted uses.
 - G. Consignment shops for retail sale of used clothing and other household items in undamaged, like-new condition.
 - H. Automotive repair shops (SIC 7538 and 7539).

- I. Buildings taller than 60 feet in height, subject to solar and fire considerations.
 - J. Communication towers with a maximum height of 130 feet, located not less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan.
 - K. Storage facilities. *(Ord. 320 – Jul. 17 Supp.)*
5. Performance Standards.
- A. Storage shall be limited to those inventories, supplies, and equipment necessary to support the principal use and shall not exceed 40% of the total gross floor area; further provided that storage shall be wholly contained within the principal building.
 - B. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material.
 - C. Certain products may be produced on the premises provided that:
 - (1) Such production shall be clearly accessory to the retail use of the premises;
 - (2) All such products shall be sold at retail on the premises on which they are produced, provided that such restriction shall not be construed to prohibit operation of a catering service or similar establishment.
 - D. No noise, vibration, hazard, glare, air pollutants such as fumes or dust, odor other than that which might originate from food preparation by a bakery or restaurant, or electro-magnetic disturbances shall be generated.
 - E. No wholesaling shall be permitted, except for certain products such as automotive parts which may be purchased on a largely individual basis for resale as part of a repair service as opposed to bulk shipments and deliveries.
 - F. Nothing shall be construed to permit any use of an adult entertainment nature.
 - G. All activities, storage, and display shall be contained within a fully enclosed building, except for uses such as sale of gasoline which by their nature must be conducted outside.
 - H. All refuse collection areas shall be fully enclosed by a six (6) foot high opaque wood fence or masonry wall. Where the lot abuts property zoned for residential use, a buffer shall be provided between such use.
6. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and building in the C-3 District.
- A. Minimum Lot Area: None.
 - B. Minimum Lot Width: None.
 - C. Minimum Front Yard: 20 feet.
 - D. Minimum Side Yards: Adjacent to a street – 20 feet; adjacent to a residential district – 30 feet; otherwise none required.

E. Minimum Rear Yard: Adjacent to residentially zoned property – 30 feet; otherwise none required.

F. Maximum Height: 60 feet, provided that no building immediately south of a residentially zoned property shall exceed a bulk plane having a 14 degree altitude calculated from a horizontal plane extending through a line located eighteen (18) feet above the average elevation of the rear lot line when the rear yard abuts a residential district lying to the south, or above the average elevation of the front lot line of a residentially zoned parcel immediately across the street from said building.

G. Maximum floor area ratio (FAR): .500.
(Subsections A and B – Ord. 320 – Jul. 17 Supp.)

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165.46 M-1 LIGHT INDUSTRIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for modern landscaped industrial and commercial establishments which create limited or no hazards, noise, vibrations, smoke, dust, odors, heat, glare or other objectionable influences which would be offensive beyond the boundaries of the industrially zoned lot.

2. Permitted Uses. Only those uses providing office or industrial services; manufacturing, processing, or assembly of materials or substances into new products; engaged in wholesale trade; or warehousing that are listed below shall be permitted, subject to compliance with all of the provisions of this M-1 District.

- A. Apparel and finished products made from fabrics.
- B. Printing, publishing and allied industries.
- C. Boot and shoe cut stock and findings.
- D. Leather gloves and mittens.
- E. Glass and plastic products made of purchased glass or plastic.
- F. Scientific and research instruments.
- G. Measuring and controlling instruments.
- H. Optical instruments and equipment.
- I. Instruments, surgical, medical and dental.
- J. Ophthalmic goods.
- K. Photographic equipment (except film and chemicals).
- L. Watches, clocks and parts.
- M. Jewelry, silverware and plated ware.
- N. Musical instruments and parts.
- O. Toys, amusement, sporting and athletic goods (except guns, howitzers, mortars, firearms and related equipment).
- P. Pens, pencils, office and artists supplies.
- Q. Costume jewelry, miscellaneous notions.
- R. Research laboratories.
- S. Research agencies.
- T. Trade schools.
- U. Public utility and service uses.
- V. Radio and television stations.
- W. Warehousing and truck terminals.
- X. Communication towers with a maximum height of 150 feet.
- Y. Storage facilities. *(Ord. 320 – Jul. 17 Supp.)*

3. Accessory Uses. Uses clearly subordinate and customarily incidental to the principal use shall be permitted subject to the standards set forth in subsection 5.

4. Conditional Uses.
 - A. Restaurants and other retail uses.
 - B. Air, railroad, freight terminals, railroad switching and classification yards, repair shops and roundhouses.
 - C. Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed.
 - D. Penal and correctional institutions.
 - E. Sewage treatment plants.
 - F. Stadiums, auditoriums, and arenas – open or enclosed.
 - G. Other manufacturing, processing, storage or commercial uses determined by the Planning and Zoning Commission to be of the same general character as the uses permitted in this district and found not to be obnoxious, unhealthful or offensive by reason of the potential omission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare, heat, fire or explosive hazards.
 - H. Animal shelters and kennels.
 - I. Off-premises signs, as limited by the sign ordinance to replacement of existing legally nonconforming off-premises signs.
 - J. All other uses of a similar character as may be determined by the Board of Adjustment.
 - K. Public Facilities. *(Ord. 290 – Jul. 13 Supp.)*
5. Performance Standards.
 - A. All outdoor storage of products or materials shall be effectively screened from adjacent streets and properties.
 - B. All refuse collection areas shall be fully enclosed by a 6-foot high opaque wood fence or masonry wall.
 - C. Where the lot abuts property zoned for residential use, a buffer shall be provided adjacent to such property.
 - D. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material.

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165.47 M-2 MEDIUM INDUSTRIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for industries that create a substantial nuisance but which do not create noxious nuisances and which are not a hazard to surrounding areas. They normally require heavy trucking in connection with their operations. Such industries should be located adjacent to freeways and highways. Areas set aside for their use should offer a wide selection of sites including some with access to rail transportation. An important consideration is the protection of surrounding residential, commercial, and light industrial uses from possible objectionable influences created by this type of industry.

2. Permitted Uses. Uses permitted in the M-1 District, and manufacture, storage, assembly, fabrication, and processing of the following:

- A. Sighting and fire control equipment.
- B. Dairy products.
- C. Canning and preserving food.
- D. Bakers and baked goods.
- E. Confectionery and related products.
- F. Tobacco products.
- G. Woven goods manufacturing mills (cotton).
- H. Woven goods manufactured (man-made fabrics).
- I. Fabric mills (dyeing and finishing).
- J. Narrow fabrics and small wares mills.
- K. Knit goods.
- L. Dyeing and finishing textiles (except wool and knit).
- M. Carpet products.
- N. Spinning mill.
- O. Miscellaneous textile goods (except oil-cloth).
- P. Saw mills and planing mills.
- Q. Millwork, veneer, plywood and prefab wood structures.
- R. Wooden containers.
- S. Household furniture.
- T. Office furniture.
- U. Public building and related furniture.
- V. Partitions, shelving lockers, office and store fixtures.
- W. Miscellaneous furniture and fixtures.
- X. Paper and paperboard products.
- Y. Paperboard containers and boxes.
- Z. Drugs.

- AA. Rubber footwear.
 - BB. Plastic products.
 - CC. Leather (finishing only).
 - DD. Industrial leather belting and packing.
 - EE. Luggage.
 - FF. Handbags and other personal leather goods.
 - GG. Leather goods (not elsewhere classified).
 - HH. Glass (flat).
 - II. Glass and glassware (pressed or blown).
 - JJ. Structural clay products.
 - KK. Pottery and related products.
 - LL. Cut stone and stone products.
 - MM. Motor vehicles and equipment.
 - NN. Boat building and repair.
 - OO. Motorcycles, bicycles and parts.
 - PP. Miscellaneous manufacturing industries.
 - QQ. Trucking.
 - RR. Quick-freeze plant.
 - SS. Special storage (not elsewhere classified).
 - TT. Motor freight terminals and maintenance facilities.
 - UU. Metal and minerals wholesaler (non petrol or scrap), automobile, truck and trailer body repair.
 - VV. Bus garages and bus lots.
 - WW. All other uses of a similar character as may be determined by the Board of Adjustment.
3. Accessory Uses. Uses clearly subordinate and customarily incidental to the principal use shall be permitted.
 4. Conditional Uses. Animal shelters and kennels.
 5. Performance Standards.
 - A. All outdoor storage of products or materials shall be effectively screened from adjacent streets and properties.
 - B. All refuse collection areas shall be fully enclosed by a 6-foot high opaque wood fence or masonry wall.
 - C. Where the lot abuts property zoned for residential use, a buffer shall be provided adjacent to such property.

D. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant.

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165.48 M-3 HEAVY INDUSTRIAL DISTRICT.

1. Purpose. The purpose of this district is to provide space for all industries and storage facilities that will, by the nature of their operation, emit odors, gases, dust, noise, smoke, heat, glare or vibrations in sufficient quantities to constitute a hazard to public health, safety or general welfare.

2. Permitted Uses. Uses in M-2 District and manufacture, storage, assembly, fabrication or processing of the following uses:

(Ord. 320 – Jul. 17 Supp.)

- A. Meat products.
- B. Grain mill products.
- C. Sugar.
- D. Beverage industries.
- E. Miscellaneous food preparation and kindred products.
- F. Impregnated fabrics and oil-cloth.
- G. Logging and lumber products.
- H. Miscellaneous wood products.
- I. Pulp mills.
- J. Paper mills.
- K. Paper-board mills.
- L. Building paper and building board mills.
- M. Chemicals, industrial (inorganic and organic).
- N. Synthetic materials, plastics and manmade fibers.
- O. Soap, detergents, etc.
- P. Paints, varnishes, enamels, etc.
- Q. Gum and wood chemicals.
- R. Agricultural chemicals.
- S. Miscellaneous chemical products.
- T. Petroleum refining and related industries.
- U. Tires and inner tubes.
- V. Reclaimed rubber.
- W. Fabricated rubber.
- X. Cement.
- Y. Asbestos and non-metallic mineral products.
- Z. Iron foundry.
- AA. Rolling, drawing, extruding non-ferrous metals.
- BB. Non-ferrous foundries.

- CC. Metal products fabrication and assembly.
 - DD. Machinery (except electrical).
 - EE. Electrical machinery equipment and supplies.
 - FF. Blast furnaces, steel works, drop hammer forge, rolling and finishing mills.
 - GG. Smelting and refining (non-ferrous metals).
 - HH. Secondary smelting and refining (non-ferrous metals).
 - II. Miscellaneous primary metal industries.
 - JJ. Railroad equipment.
 - KK. Photographic film and chemicals.
 - LL. Linoleum products.
 - MM. Matches (manufacturing only).
 - NN. Flour and grain storage elevators.
 - OO. Coal and scrap iron (wholesalers).
 - PP. Petroleum bulk stations and terminals.
 - QQ. Scrap and waste materials (wholesale).
 - RR. Wholesaling (not elsewhere classified).
3. Accessory Uses. Uses clearly subordinate and customarily incidental to the principal use shall be permitted.
4. Conditional Uses.
- A. Sanitary landfill areas for dumping or disposal of garbage, refuse or trash.
 - B. Junk yards and auto graveyards.
 - C. Guns, howitzers, mortars and related equipment.
 - D. Military tanks and tank components.
 - E. Small arms.
 - F. Stockyards (livestock).
 - G. Farm products and livestock (wholesale).
 - H. Leather tanning.
 - I. Ammunition (manufacturing only), small arms.
 - J. Concrete, gypsum and plaster products.
 - K. Refuse systems, incineration and disposal of animals.
 - L. Off-premises signs having an area of more than 300 square feet but not more than 675 square feet, and a height of not more than 35 feet.
 - M. Logging and lumber products.
 - N. Chemical, industrial (inorganic and organic)

- O. Petroleum refining and related industries
 - P. Asbestos and non-metallic mineral products
 - Q. Blast furnace, steel works, drop hammer forge, rolling and finishing mills
 - R. Smelting and refining (non-ferrous metals)
 - S. Secondary smelting and refining (non-ferrous metals)
 - T. Coal and scrap iron (wholesalers)
 - U. Scrap and waste materials (wholesale)
 - V. All other uses of a similar character as determined by the Board of Adjustment
(Subsections M through V – Ord. 320 – Jul. 17 Supp.)
5. Performance Standards.
- A. All outdoor storage of products or materials shall be effectively screened from adjacent streets and properties.
 - B. All refuse collection areas shall be fully enclosed by a 6-foot high opaque wood fence or masonry wall.
 - C. Where the lot abuts property zoned for residential use, a buffer shall be provided adjacent to such property.
 - D. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material.

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165.49 SUPPLEMENTARY DISTRICT REGULATIONS.

1. **Building Lines on Approved Plats.** Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a building line along and frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter.
2. **Structures to Have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
3. **Erection of More Than One Principal Structure on a Lot.** In any district, more than one structure, housing a permitted or permissible principal use, may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.
4. **Accessory Buildings.** No accessory building shall be erected in any required front yard, and no separate accessory building shall be erected within 10 feet of a main building. No accessory building shall be closer than 5 feet to the rear or side lot line except that where a garage is entered perpendicular or near perpendicular directly from an alley, the setback shall be 15 feet. Accessory buildings located in the rear yard may not occupy more than 35 percent of the rear yard and the aggregate of all accessory buildings shall not exceed 750 square feet. No accessory building shall be used without occupancy of the principal building, and no accessory building shall exceed 18 feet in average height. Garages are limited to 1,200 square feet for lot size of less than 1.0 acres and 2,400 square feet for lot size of 1.0 acres or more and may not occupy more than 35 percent of the rear yard and the aggregate of all other accessory buildings. (See definition of private garage.)

(Ord. 320 – Jul. 17 Supp.)
5. **Driveways and Parking Spaces.** In no case shall driveways or vehicular parking spaces be placed in any side yard unless those spaces are constructed so as not to allow drainage onto any adjacent lot.
6. **Siding.** Colored corrugated steel siding in residential districts may be used on accessory buildings, with the exception of plain galvanized look.

(Ord. 290 – Jul. 13 Supp.)
7. **Height Limits.** Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, grain elevators, or necessary mechanical appurtenances are all special exceptions and may be approved or denied by the Board of Adjustment.
8. **Projections.** Sills, belt courses, cornices, and ornamental features may project only two feet into a required yard.
9. **Fire Escapes and Balconies.** Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 3½ feet, when so placed as not to obstruct light and ventilation, may be permitted by the Zoning/Building Administrator.
10. **Decks and Porches.** Open, unenclosed decks or porches may extend 10 feet into a front yard and open, unenclosed decks may extend 10 feet into the back yard.

11. Terraces. Terraces that do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are distant at least two feet from the adjacent side lot line.
12. Utility Service Lines. Nothing in this chapter shall have the effect of prohibiting utility service lines.
13. Paving in Front Yards. Not more than 30 percent of the front yard of any single-family residence shall be paved, provided that this shall not be construed to prevent a two-car driveway together with a paved apron leading to parking space located behind the minimum setback line.
14. Swimming Pools. Private portable swimming pools, hot tubs, spas, and similar recreational appurtenances shall not be allowed in front yards. Private permanent swimming pools shall only be allowed in the back yard. Further, all portable swimming pools, hot tubs, spas, and similar recreational appurtenances shall be surrounded by a 6-foot fence on all sides not abutting the dwelling or spas and hot tubs may be installed with a locking security cover approved by Zoning/Building Administrator.
15. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five feet from the point of the intersection.
16. Propane Tanks. Propane tanks shall be located in compliance with State of Iowa requirements and regulations.
17. Roofing. Approved roofing materials on all structures will be asphalt shingles, wood shakes, clay tile and steel roof, or an otherwise suitable material as approved by the Building Inspector. Sheet fiberglass are not permitted.
(*Ord. 290 – Jul. 13 Supp.*)
18. Free-Standing Carports. Free-standing carports are prohibited.
19. (Repealed by Ordinance 290 – Jul. 13 Supp.)

165.50 ZERO LOT LINE CRITERIA. Utilization of the zero lot line regulations under this chapter requires the approval of the entire subdivision in which a zero lot line unit is to be proposed. Approval of subdivisions shall be limited to generally undeveloped areas and the review shall follow the procedures required for all rezoning proposals. Approval of a subdivision for zero lot line regulations shall be so designated by the symbol ZL following the subdivision name on the district map. A duplex may be built which utilizes zero lot line regulations when all of the following conditions have been met:

1. Each dwelling unit is attached on the side and only one side to the other dwelling unit and further that the side property line divides each dwelling unit.
2. The applicant provides to the City Council and records in the office of the County Recorder acceptable covenant and deed restrictions on all properties that are proposed for zero lot line designation, which includes the following:
 - A. Provision for access to the abutting property for the adjacent property owner and/or representative for the purpose of construction, reconstruction, repair, and maintenance of the side which all abut the common lot line.

- B. Provision for necessary easement encroachments for footings, eaves, and special structures and provides for perpetual easements in the event of an encroachment by the party wall.
 - C. Provision that the City is a third party to the approval and subsequent changes to any covenants and deed restrictions, but is not a third party in enforcement of said covenants and deed restrictions.
3. Restrictions shall be provided to limit changes of color, material, and design of the dwelling as to be compatible with the attached unit.
 4. Adequate provisions for utilities shall be provided.

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165.51 PARKING REGULATIONS FOR C-1, C-2, C-3, M-1, M-2, and M-3 DISTRICTS.*(Ord. 290 – Jul. 13 Supp.)*

All uses shall provide five parking spaces per 1,000 square feet of gross floor area except as indicated below for the following uses:

| Nonresidential Use | Parking Requirement |
|---|--|
| Elementary schools | 2 spaces per employee (15 spaces minimum) |
| Jr. or Sr. high school | 2 spaces per employee, plus 1 space for every 10 students (25 spaces minimum) |
| Libraries | 1 space per 500 gross square feet (10 spaces minimum) |
| Auditoriums (school) | 1 space per 8 seats (in addition to that required for principal building) |
| Bowling alleys | 5 spaces per alley plus 1 space for each 300 gross square feet used for purposes other than alley space |
| Dance hall and assembly halls without fixed seats; exhibition halls except churches | 1 space for each 100 square feet of floor area used for assembly or dancing |
| Medical or dental clinic | 5 spaces for each staff doctor or dentist (5 spaces minimum) |
| Commercial schools (music, dance, etc.) | 1 space for every 2 employees, plus 1 space for every 5 students (5 spaces minimum) |
| Indoor theater | 1 space for every 3 seats up to 400 seats, plus 1 space for every 4 seats over 400 |
| Animal hospitals and kennels | 2 spaces per employee including doctors or professionals |
| Car wash | 1 space per employee plus 1 space for manager plus spaces equaling 5 times the vehicle capacity of the wash |
| Cartage and express facilities | 1 space per vehicle operated plus 1 space for every 2 employees (5 spaces minimum) |
| Contractor or construction offices | 1 space per employee (5 spaces minimum) |
| Laundries | 1 space per employee (5 spaces minimum) |
| Warehousing | 1 space per employee (5 spaces minimum) |
| Wholesaling | 1½ spaces per employee (5 spaces minimum) |
| School gyms, stadiums, etc. | 1 space for every 2 seats |
| Institutions for care of the aged | 1 space for every 4 beds, plus 1 space per employee per shift average plus 1 space for each doctor on staff |
| Hospitals | 1 space for every 2 beds plus 1 space per employee per shift average plus 1 space for each doctor on staff |
| Philanthropic and charitable uses | 1 space for every 2 employees, plus 1 space for each 300 square feet of gross floor area |
| Public utilities and service uses | 1 space for every 2 employees, plus 1 space for each 300 square feet of gross floor area |
| Private clubs | 1 space per lodging room, plus spaces equal to 30 percent of capacity in persons |
| Noncommercial community center | Parking spaces equal to 30 percent of capacity in persons |
| Radio and TV stations | 1 space per 2 employees (5 spaces minimum) |
| Churches, etc | 1 space per 3 seats in auditorium including balcony |
| Apartment hotels | 1.5 spaces per dwelling unit |
| Boarding houses, etc. | 1 space for every 3 rooming units, plus 1 space for manager (3 spaces minimum) all spaces must be beyond building setback |
| Taverns and restaurants | Parking spaces equal to 30 percent of capacity in persons |
| Service stations | 1 space for every 2 employees (per regular working shift) plus 1 space for manager (3 spaces minimum) |
| Resorts | 1 space for every 2 employees plus space equal to 20 percent of capacity or 1 space per rental unit, whichever is greater |
| Hotels | 1 space per unit |
| Motels | 1 space per unit plus 1 space for manager |
| Riding stables | 1 space per employee, plus 1 space for each stable |
| Automobile or machinery sales | 1 space per 400 square feet of gross floor area |
| Manufacturing plants, testing laboratories, or bottling plants | 1 space per 1.5 plant employees plus 1 space for each research or managerial person plus 1 visitor parking space for each 10 |

| | |
|--|---|
| | managerial personnel or 1 space for each 500 square feet of gross floor area used for manufacturing, whichever is greater |
|--|---|

165.52 DEFERRAL OF PARKING SPACES. The City Council may approve a smaller number of parking spaces than required in the above table as part of a special land use approach, subject to the following.

1. The owner can demonstrate that the required number of parking spaces is excessive.
2. An area of sufficient size to meet the deferred number of parking spaces, along with the access drive, aisles, and other required parking lot features, shall be retained as open space.
3. A deferred parking site plan shall identify the area where parking is being deferred, including dimensions and dotted parking lot layout.
4. Storm water management requirements shall be based on the required parking to ensure adequate capacity if an expansion is necessary.
5. The owner agrees in writing to construct the deferred parking within the time frame designated by the Council upon written request from the Council.
6. There is sufficient evidence that a “green” or “sustainable” standard can justify the reduction of parking spaces and impervious surfacing.

165.53 PUD PLANNED UNIT DEVELOPMENT DISTRICT. The purpose of this district is to promote and encourage development or redevelopment of tracts of land on a planned, unified basis by allowing greater flexibility and diversification than is normally permitted by conventional single lot development in other zoning districts because of the substantial public advantages of planned development. Although Planned Unit Developments (PUDs) may appear to deviate in certain respects from a literal interpretation of the comprehensive plan, regulations adapted to such unified planning and development are intended both to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, and to promote economical and efficient land use through an improved level of amenities, appropriate and harmonious variety, creative design, and a better living environment.

1. Where Permitted. Planned Unit Developments shall be permitted on any two-acre or larger tract of land that has been zoned or rezoned for PUD purposes by the Council. Said PUDs may consist of residential, commercial, industrial, public, semi-public and/or conservancy land uses.
2. Procedure.
 - A. Pre-application Conference. In order to eliminate unnecessary expenditures of time and money, the developer shall first schedule a pre-application conference with the Code Compliance Officer, who shall involve representatives of other departments as deemed appropriate. The Code Compliance Officer may require submittal of a generalized sketch plan providing such information as follows:

- (1) Location and size of the overall site, and of the individual types of development or uses proposed within the site.

- (2) Existing topography, indicating major earthwork areas, storm water runoff and detention considerations, flood plains, and any problem areas.
- (3) Existing trees masses, geological and environmentally important characteristics.
- (4) Generalized vehicular and pedestrian systems and parking areas.
- (5) Generalized building locations.
- (6) Approximate gross density, and number and types of dwelling units in accordance with the comprehensive plan; approximate gross floor areas of commercial and industrial land use.
- (7) Generalized utility line considerations with sanitary sewer capacity limitations so noted.
- (8) Generalized public and private ownership boundaries, including common ownership areas, if any.

The Code Compliance Officer shall have fifteen days in which to review and comment on the pre-application sketch plan. Following the department's review, the developer may request an informal consideration of the proposal by the Plan and Zoning Commission. Said consideration shall be non-binding on either party.

B. Application for Rezoning. Following the pre-application conference the applicant shall submit a petition for rezoning in accordance with standard City procedures for rezoning, accompanied by a master plan and related documents containing the information required by other paragraphs of this section, and required fees. The petition and master plan shall be referred to the Plan and Zoning Commission for study and report, and for public hearing as required by this Zoning Ordinance for rezoning. The Commission shall review the master plan for conformity to the standards of this section, and may approve the plan as submitted; require the petitioner to modify, alter, adjust, or amend the plan as deemed necessary to preserve the intent and purpose of this section to promote public health, safety, morals and general welfare; or recommend that it be denied. The action of the Commission shall be reported to the City Council, whereupon the Council may approve or disapprove the petition and master plan as reported or may require such changes thereto as deemed necessary to effectuate the intent and purpose of this section. All public hearings shall be scheduled as soon as possible after all required information has been submitted. The Commission shall report their findings to the Council in a timely manner. In the event they fail to take action within sixty days after the date of the public hearing, the petitioner or anyone located within the notification area as defined for rezoning may request in writing that the Commission complete their considerations. The Commission shall then take action within the next thirty days and report their findings to the Council for consideration by the Council, unless the Council expressly grants the Commission additional time to complete negotiations, studies, or other items necessary.

C. Final Plans. Final plans for the Planned Unit Development shall be comprised of site plans and/or preliminary and final subdivision plats as

appropriate to the situation due to requirements of the site planning and subdivision ordinances or specific provisions of the master plan. Such site plans and plats shall contain all information and be processed in the manner set forth in said ordinances, in addition to complying with any specific provisions of the master plan, and shall generally comply with the development concepts outlined in the master plan. No public notice or hearing shall be required for final plans unless required by the master plan or caused to be required by the Commission or Council as deemed appropriate, provided that deviation from the master plan may be permitted as refinements to the design and planning if not defined by this Zoning Ordinance as a substantial modification requiring amendment to the master plan. Such deviations shall be expressly set out and shall be approved by the Commission and Council. Final plans may cover all or part of the Planned Unit Development, provided that a final plan covering only a part of a PUD is hereby defined as a phase irrespective of contrary provisions by the master plan and shall demonstrate the ability to be self-sustaining in terms of access, services, utilities, open space, economic viability, and other major considerations. If it is the desire of the petitioner, preliminary plat and/or final site plan approval may be obtained at the time of the master plan approval by expressly declaring such intent and filing all information required by the subdivision and site planning ordinances. Final site plan approval shall not be granted for an unplatted parcel. Upon approval of final plans, building permits shall be issued in the same manner as for building permits generally. In any event where platting is required, no building permits shall be issued until the final plat is approved and recorded and all other requirements complied with. Final plans shall be binding on the petitioner and any and all successors in title so long as PUD zoning applies to the land, unless amended in accordance with the procedures set forth.

D. Amendments or Modifications. Substantial modification to the master plan shall be processed in the same manner as a rezoning and additionally shall comply with the provisions of paragraph B above. Notice and public hearing requirements and the effect of a denial shall be the same as for a rezoning, provided that the notification area shall be those property owners legally required to be notified as opposed to the entire PUD. Further provided, in the event a requested amendment for a portion of the entire PUD is denied, such action shall not create any limitations under rezoning procedure on the filing of an amendment to another portion of the PUD having a substantially different notification area. Any ambiguities or disputes between this section and procedures for rezoning shall be resolved in favor of the more restrictive requirements. Substantial modifications are hereby defined to include, but are not limited to, the following: increased density; intensification of use by changing to a lower classification, with conventional single family being the highest classification and progressing to attached single family, multiple family, commercial offices, retail, warehousing, and light industry, to heavy industry; addition of uses, or elimination of conditions or restrictions on a use or uses; increased floor area ratios, or other modifications considered probable to generate increased traffic, sewage, water consumption, or other detrimental conditions; significant modifications to peripheral buffering or screening, setbacks, height, locations of buildings, drives, or other improvements, which were intended for protection of proximate properties, provided that substitution of equivalent screening materials shall not be considered a substantial

modification; modifications to the street pattern, such as that of major streets or continuations of existing streets, which will have a demonstrable impact on traffic flow such as to effectively change the functional classification of the street; modifications to access which may lead to increased congestion, or to additional commercial or industrial traffic on a local residential street; or other changes deemed substantial by the Code Compliance Officer. Modifications to final plans shall follow the procedures of the site planning or subdivision ordinances, as appropriate, except in the case of a substantial modification as defined above.

3. Information Required on Master Plan. The following information, plans and maps shall be submitted as part of the application for a Planned Unit Development:

A. Names, addresses, and telephone numbers of owners, developer, and designer; name of development, date, north point, and scale.

B. Legal description of the PUD, and map of the boundary of the proposed PUD as well as interior boundaries of proposed development phases, and of any existing separate ownerships.

C. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as land divisions, land use, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern.

D. Existing site conditions including contours at intervals sufficient to indicate topographic conditions (generally two feet), drainage ways and one hundred year flood plains, floodways, heavy woods or other significant natural areas, and existing structures; multiple family, commercial, and industrial structures, and recreation facilities; further delineating areas with different uses or building types, and gross density per acre.

E. General location and size of areas to be dedicated or reserved for common open space, park, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained.

F. Existing and proposed general circulation systems, including streets, pedestrian ways, and major points of access with estimated traffic generation.

G. Existing and proposed general sanitary and storm sewer systems, water mains, and drainage ways.

H. Proposed development standards, including but not limited to, uses, density, floor area ratios, or bulk regulations including open space, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances.

I. Estimated sewer and water usage computations in accordance with the criteria of the regulating agency.

J. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and landscaping areas, fences or other screening, height limitations or other provisions.

K. A narrative or graphic explanation of the planning and design concepts and objectives the owner intends to follow in implementing the proposed development, including a description of the character of the proposed

development; the rationale behind the assumptions and choices made; the compatibility with the surrounding area; and design considerations for architecture, engineering, landscaping, open space and so forth.

L. A statement of intent with regard to selling or leasing all or portions of the proposed development.

M. Proposed energy conservation methods, such as siting or design or structures.

N. Proposed phasing timetable.

The above information should be shown in a clear and logical manner at a legible scale. Sheet size should not exceed 24" x 36" for paper copies and Mylar reproducible sheets. The final document is required to be a PDF file that contains all pages of the PUD. Generally, existing conditions should be illustrated on a separate sheet for sake of clarity, although existing topography, access, utility and sewer lines and other items that are appropriate for understanding the proposal should also appear on the proposed development plan.

It is strongly recommended that an architect, landscape architect, and civil engineer be employed to prepare the plans. The Commission or Council may require any additional information which may be needed to evaluate the proposed PUD on the basis of special or unforeseen circumstances, or may waive any of the above requirements if it is found that such information is unnecessary to properly evaluate the proposed PUD.

4. Development Controls. Although PUDs are intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards, certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this Zoning Ordinance.

A. Any use that is approved and made a part of the master plan, subject to any conditions attached thereto, shall be permitted.

B. Height, setback, bulk, and other requirements set out in the master plan shall constitute the basis for and become the zoning requirement for that particular PUD, provided that refinements may be made through final plan approval if not defined as a substantial modification; in lack of any special provisions set out in the master plan, the requirements of the most proximate zoning district, as defined by use, shall be applied.

C. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open space, screening and transitional elements and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should not be comprised of the most intensive portions of the PUD, unless the City concurs this is the most feasible means of developing the property in terms of access, sewer service, or similar physical constraints, or will permit earlier development of common amenities.

D. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space setbacks, landscaping and screening, grading, traffic circulation and architectural compatibility. It is the intent of this section to recognize that appropriate use of design techniques will provide the required mitigation, and thereby eliminate the need for certain

conventional regulations or standards. Examples of design techniques, not requirements, are: orienting views, access, and principal activities away from the land use needing protection by placing those least compatible activities farthest from the common boundary and those compatible nearest to create an effective buffer; using setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing differences in architecture and bulk, and reducing heat generated by development, and the use of dense landscaping can reduce the width of physical separations needed for such purposes; the use of proper grading will control drainage, can alter views, subdue sound, and channel access; fences, walls and berms can be used to channel access and control visual, sound and light pollution; proper architectural use of color, bulk, materials and shape will enhance compatibility and reduce contrast, although details added to the building for esthetic purpose without consideration to form and surroundings may be detrimental rather than helpful; and proper design of pedestrian ways, streets and points of access and proper location of parking areas, will reduce congestion and safety hazards and help prevent introduction of noise, pollutants and other conflicts into areas with less intensive land use. Other techniques may also be used.

E. Permanent care and maintenance of common elements such as open space, recreation amenities, and others shall be provided in a legally binding form. If the common elements are to be maintained by a home owners' association, the applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following requirements at the time the final plat or site plan is filed:

- (1) Membership shall be mandatory for each buyer and any successive buyer.
- (2) The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate except by approval of both the owners' association and the City;
- (3) The owners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities not dedicated to the City;
- (4) Owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property;
- (5) The association shall be able to adjust the assessment to meet changes needed;
- (6) No change in open space use or dissolution of the owners' association shall occur without approval by the City.

F. Performance bonds or other security acceptable to the City may be required to ensure completion of recreational amenities provided in lieu of public facilities, or for mitigating elements such as screening or public improvements.

G. Except where the City agrees to other arrangements, a PUD shall be comprised of a single owner, or a group of owners acting as a partnership or

corporation with each agreeing in advance to be bound by the conditions which will be effective in the PUD.

5. **Validity.** In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the City. The Code Compliance Officer shall review the circumstances and prepare a report recommending appropriate action to be taken concerning the PUD. The Plan and Zoning Commission and Council shall review the matter, and may continue the PUD zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this section if deemed substantial; continue with PUD zoning for part of the area, with or without revised time limits, and initiate rezoning of the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a zone more restrictive than the one applied immediately prior to the rezoning to PUD except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate. Approval of a final site plan or preliminary plat shall be deemed to commence development, provided that the permanent placement of construction materials shall have started and be proceeding without delay within two years after the date of site plan approval, and a final plat approved and filed with the Dallas County Clerk and Recorder within one year after the date of preliminary plat approval in the event a site plan is not required. Failure to comply with this provision shall void the site plan and preliminary plat approvals, and make the PUD subject to review as provided above. It shall be the responsibility of the developer to comply with all prescribed time limits without notice from the City.

6. **Application to Existing PUD Districts.** Existing PUD districts shall comply with the requirements and provisions of this section, provided that no additional filings shall be required to maintain current valid status, and no currently expired approvals shall be deemed to have been reapproved by passage of this section. Validity of existing PUDs shall be computed according to the time limits set forth herein from the effective date of the ordinance codified in this section.

7. **Fees.**

A. Before any action shall be taken as provided in this section, the party or parties proposing the change shall pay the fee as established by the City Council Resolution.

B. Under no condition shall said sum or any part thereof be refunded for failure of such rezoning or substantial modification to be enacted into law.

C. Site plans and subdivisions in a PUD shall be subject to the normal fees for such filings.

(Ord. 312 – Jan. 17 Supp.)

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165.54 ADMINISTRATION: DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, CITY COMMISSION AND COURTS ON MATTER OF APPEAL.*(Ord. 290 – Jul. 13 Supp.)*

1. Enforcement and Interpretation. All questions of interpretation and enforcement shall be first presented to the Zoning/Building Administrator, or that person's assistant designee, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning/Building Administrator, and recourse from the decisions of the Board of Adjustment shall be to the District Court as provided by law and particularly by Chapter 414, Code of Iowa.
2. Amendments. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than 20 days prior to the hearing. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In the case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property that is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the Council.
3. Violations. Violation of the provisions of this chapter with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.
4. Schedule of Fees, Charges, and Expenses. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning/Building Administrator and the City Clerk and may be altered or amended only by the Council, as recommended by the Commission.
5. Complaints Regarding Violations. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning/Building

Administrator. The Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

6. Repeal of Conflicting Ordinances; When Effective. All ordinances or parts of ordinances in conflict with the Zoning Ordinance are hereby repealed to the extent necessary to give this chapter full force and effect. This chapter shall become effective upon publication.

165.55 SIGN REGULATIONS.

1. The following sign regulations shall apply to the R Districts, CN District and AG Districts:

- A. Off-premises signs, except real estate or political signs, are not permitted.
- B. No sign may be lighted in a manner that impairs the vision of the driver of any motor vehicle.
- C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- D. No sign may imitate or resemble an official traffic control sign, signal or device.
- E. Signs shall not encroach or extend over public right-of-way.
- F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

2. The following sign regulation shall apply to the C-1, C-2 and C-3 Districts:

- A. Off-premises signs are permitted.
- B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicles.
- C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- D. No sign may imitate or resemble an official traffic control sign, signal or device.
- E. Signs shall not encroach or extend over public right-of-way.
- F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

- H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
 - I. Signs, any part of which project out from the building from 4 to 18", shall be erected so that no portion of the sign is less than 9' above grade.
 - J. Signs which project more than 18" from the building must be at least 9' above grade and may extend a maximum of 8', provided that they do not extend further than a point 2' in the back of the curb face.
 - K. Signs must not exceed the maximum permissible building height in the district.
3. The following sign regulations shall apply to the M-1 and M-2 Districts:
- A. Off-premises signs are permitted.
 - B. No sign may be lighted in a manner that impairs the vision of the driver of any motor vehicle.
 - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - D. No sign may imitate or resemble an official traffic control sign, signal or device.
 - E. Signs shall not encroach or extend over public right-of-way.
 - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - G. No advertisement or advertising structure shall be posted, erected, or maintained which simulates any official, directional, or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
 - I. Signs, any part of which project out from the building from 4 to 18", shall be erected so that no portion of the sign is less than 9' above grade.
 - J. Signs that project more than 18" from the building must be at least 9' above grade and may extend a maximum of 8', provided that they do not extend further than a point 2' in back of the curb face.
 - K. Signs must not exceed the maximum permissible height in the district.
4. The following sign regulations shall apply to the M-3 District:
- A. Off-premises signs are permitted.
 - B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply.
 - C. No sign may be lighted in a manner that impairs the vision of the driver of any motor vehicle.
 - D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

- E. No sign may imitate or resemble an official traffic control sign, signal or device.
 - F. Signs shall not encroach or extend over public right-of-way.
 - G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
5. Other Sign Regulations.
- A. Sign regulations that are not listed will follow the most current edition of *The Manual on Uniform Traffic Control Devices* published for the U.S. Department of Transportation Federal Highway Administration.
 - B. State and local political subdivisions shall be exempt from these sign regulations.

165.56 FENCE AND WALL REGULATIONS.

1. **Permit Required.** It shall be unlawful for any person to construct, alter, or relocate any fence or landscape wall within the City without first obtaining the appropriate permit(s) as required by City's Code of Ordinances and Zoning Code.
2. **Definition.** For the purpose of this chapter it is understood that the terms fence and wall are synonymous and herein defined as a barrier consisting of wood, stone or metal intended to prevent ingress or egress, and / or enhance the appearance of the structure of the landscape.
3. **Materials.**
 - A. Fences are to be constructed of customarily used materials such as chain link, wood, wrought iron, aluminum or polyvinyl chloride (PVC). Walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, and similar materials as approved by the building inspector.
 - B. **Prohibited Materials:** A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited, unless specified otherwise herein.
 - C. No woven, twisted, welded or interlaced wire fence shall be erected and / or located in a residential or commercial district.
 - D. **Barbed Wire and Electrical Fencing:** In agriculture and conservation districts, barbed wire, woven wire, and electrical fencing are permitted, subject to a minimum setback often (10) feet, and only when used to contain livestock or to protect crops and plantings in areas containing ten (10) acres or more.

4. General Requirements.
 - A. Fences may be erected along the side and rear property lines in all districts. In accord with paragraph B of this subsection, the property owner installing the fence must ensure there is a means for maintaining both sides of the fence subject to State and local laws and ordinances.
 - B. It is the property owner's responsibility to maintain the fence on both sides.
 - C. The decorative, finished side of all wood fences must be facing out (away from the home).
 - D. No chain link or wired fence of any kind shall be constructed or maintained with the cut or selvage end of the fencing material exposed at the top.
 - E. All fences shall be maintained and kept safe and in a state of good repair.
 - F. The property owner erecting the fence is solely responsible for ensuring the fence is located on his/her property in accordance with the provisions of this section.
 - G. Fences may not be constructed within one-foot inside a public sidewalk.
 - H. No fence shall be constructed in a front yard that is more than 75% solid or opaque.
 - I. Fences may not be constructed on lots unless a primary building is in place, with the exception of a temporary fence for safety as approved by the City or Zoning Administrator.
 - J. The City does not enforce restrictive covenants in place and on file with the County Recorder. Property owners shall be aware of all restrictive covenants for their platted subdivision.
 - K. No fence shall be constructed within the clear zone.
 - L. Fences or walls may be erected in easements in accordance with the provisions of this section except that no fence or wall may be erected without the approval of the City Building Inspector and as a condition of that approval the Building Inspector may require that the applicant acknowledge the rights of the City as an easement holder and waive any and all damages that might be otherwise accrued if the City shall need to remove the fence or wall in the exercise of its rights under the terms of the easement.
 - M. Decorative features such as individual posts, trellises, brick or stone columns, and similar features constructed as part of a fence shall be allowed to exceed the maximum fence height by no more than 12 inches. Decorative features shall not be counted toward the open space percentage of the fence. Pedestrian entry features which only include arbors, arched entries, arcades or finials may exceed the maximum allowable fence height in any yard subject to design review and approval by the Building Inspector.
5. Nonconforming Fences. Any fence existing within the City on the effective date of this section must be maintained, but alterations, modifications or improvements

of more than 50% of said fence shall require the owner to bring the fence into compliance with this section if it is not already in compliance.

6. Height and Vision Clearance.

A. The following are the height restrictions in all residential and commercial districts for fences and walls:

(1) No fence or wall in any required front yard may exceed four (4) feet in height. Corner lots with two front yards shall be allowed to have a six (6) foot tall fence located in the front yard with the smallest frontage. Such fence shall be set back a minimum of ten (10) feet from the property line or adjacent sidewalk; or in line with the home on the side. All other requirements of this section apply to a fence on a corner lot.

(2) Fences or walls along the side yard limits shall not exceed six (6) feet in height. The fence or wall on a side yard may be erected to a height of eight (8) feet if the fence or wall, or that portion of the fence or wall in excess of six (6) feet is constructed of materials which provide openings of not less than 75 percent in area of the vertical surface of the fence or wall to permit transmission of light, air and vision at a right angle.

(3) No fence or wall in a rear yard shall exceed eight feet in height.

(4) Any portion of a residential or commercial lot directly abutting an industrial district may exceed the height limits contained herein by two (2) feet.

B. The following are the height restrictions in all industrial districts for fences and walls:

(1) No fence or wall in any side or rear yard shall exceed ten (10) feet in height.

(2) No fence or wall in any front yard or yard abutting a street may exceed four (4) feet in height unless approved by the Zoning Administrator for purposes of limiting the view of unsightly materials consistent with the business conducted on site.

(3) Fences or walls in any required yard adjoining a commercial or residential district shall conform to the requirements applicable to the commercial or residential district.

C. Public Fences. Fences surrounding school yards or public parks shall be exempt from the height provisions as herein stated provided that visibility at intersection is not hindered.

D. Vision Clearance.

(1) Corner Lot / Intersection. No fence or wall shall be located which may obstruct vision between a height of thirty (30) inches and ten (10) feet on any corner lot within a vision triangle of twenty five (25) feet formed by intersecting street right-of-way lines.

(2) Driveways and Alleys. No fence or wall shall be located which may obstruct vision between a height of thirty (30) inches and ten (10)

feet on any corner lot within a vision triangle of fifteen (15) feet formed by intersecting driveway edge (including driveways on adjacent properties) and street right-of-way line.

(Ord. 288 – Mar. 13 Supp.)

| EDITOR’S NOTE | | | |
|--|---------------------|----------------------|---------------------|
| The following ordinances have been adopted amending the Official Zoning Map described in Section 165.05 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect. | | | |
| ORDINANCE NO. | DATE ADOPTED | ORDINANCE NO. | DATE ADOPTED |
| 283 | March 13, 2012 | 313 | April 11, 2017 |
| 290 (Official Zoning Map) | May 14, 2013 | | |
| 296 | December 10, 2013 | | |
| 300 | September 9, 2014 | | |
| 301 | September 9, 2014 | | |
| 306 | December 8, 2015 | | |
| 309 | May 10, 2016 | | |
| 310 | July 12, 2016 | | |
| 311 | October 11, 2016 | | |
| 315 | January 10, 2017 | | |

(Chapter 165 - Ord. 281 – Jul. 12 Supp.)

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CHAPTER 166

SUBDIVISION REGULATIONS

| | |
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GENERAL PROVISIONS AND DEFINITIONS

166.01 PURPOSE. The purpose of this chapter is to provide rules, regulations and standards to guide land subdivision in the City and in the area within two (2) miles of the City limits in order to promote the public health, safety, convenience and general welfare of the City. This chapter shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services. To ensure the fulfillment of the purposes of this chapter the City, pursuant to Section 354.9 of the Code of Iowa, does hereby exercise its right of review and approval of all land subdivisions within an area of two (2) miles of the City's corporate limits.

166.02 DEFINITIONS. For purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

1. "Alley" means a minor way, dedicated to the public use, which is used primarily for vehicular access to the back or the side of properties otherwise abutting on a street.
2. "Block" means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, parks, etc., or a combination thereof.
3. "Building line" means a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.
4. "City Engineer" means the City official responsible for the design, supervision and maintenance of all public works of the City or a duly authorized consulting engineer retained by the City.
5. "Cul-de-sac" means a minor street having one end open to traffic and being permanently terminated by a vehicular turn-around.
6. "Days" refers to calendar days.

7. “Developer” means the owner, or agent under legal authority of the owner, or owners who undertake to cause a parcel of land to be designed, constructed, and recorded as a subdivision. This term may be used interchangeably with the term “subdivider.”
8. “Easement” means a grant by the property owner to the public, a corporation, or persons, of the use of a parcel of land for a specific purpose.
9. “Final plat” means a drawing to engineering accuracy and containing the items specified by these regulations indicating the layout of lots, blocks and public ways in a completed and improved subdivision along with legal papers required for recording.
10. “General plan” means the plan or series of plans for the future development of the City and approved, as may be required, as the guide for future development. Such plan may alternatively be called by such descriptive terms as a master plan, a comprehensive plan, or a development plan.
11. “Improvements” means changes and additions to land necessary to prepare it for building sites, and including street paving and curbing, grading, monuments, drainage ways, sewers, fire hydrants, water mains, sidewalks, pedestrian ways, and other public works and appurtenances.
12. “Lot” means a portion of a subdivision, or other parcel of land, intended as a unit for transfer or for development.
13. “Pedestrian way” means a right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets or properties.
14. “Planning Commission” means the Planning and Zoning Commission of Adel.
15. “Plat” means a map drawn to scale from an accurate survey and including items set forth herein along with all certificates and statements required herein and by statute, for the purpose of recording as a subdivision of land. Without modifying adjectives it refers to land subdivision documents which have been officially recorded. In appropriate context a plat may refer to the land represented by a recorded plat and may be synonymous with the word “subdivision.” It may also be used as a verb referring to the act of preparing a plat.
16. “Preliminary plat” means a drawing with supporting documents which represents a proposal upon which a final plat is to be based. A preliminary plat is not intended as a document to be filed of record.
17. “Replat” or “resubdivision” means a plat representing land which has previously been included in a recorded plat.
18. “Street” means a right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.
19. “Street, arterial” means a street of considerable continuity connecting various sections of the City, or a street primarily designated for heavy traffic.
20. “Street, collector” means a street which carries traffic from a local or residential street to an arterial street.
21. “Street, local or residential” means a street which is used primarily for access to the abutting properties.

22. "Street, service" means a local or residential street or frontage road which is approximately parallel to and adjacent to or part of an arterial street and provides access to the abutting properties and protection from through traffic.
23. "Subdivider" means the person or firm causing a plat to be prepared.
24. "Subdivision" means a parcel of land which has been platted; the act of preparing a plat.

All other terms used in these regulations shall have their normal meaning, except that terms common to engineering and surveying shall be used in their professional sense.

166.03 APPLICATION OF SUBDIVISION REGULATIONS; AREA. Any plat hereafter made or any subdivision or any part thereof lying within the limits of the City or in unincorporated territory within an area extending two (2) miles beyond the City limits shall be prepared, presented for approval, approved and presented for recording as herein prescribed. These regulations are enacted under the authority of Section 354.9 of the Code of Iowa and provide authorized additions to the provisions of Chapter 354 of the Code of Iowa.

166.04 APPLICATION OF SUBDIVISION REGULATIONS; LAND DIVISIONS. The regulations contained herein apply to the subdivision of a lot, tract or parcel of land into three (3) or more lots, tracts or other division of land for the purpose of sale, transfer or of building development, whether immediate or in the future, including the resubdivision or replatting of land or lots. These regulations shall apply to each situation where there is a dedication of a street, alley, easement or land for other public uses. The above provisions shall not be construed to limit the acceptance of deeds to right-of-way or land for other purposes by the Council or other agency of government when such acceptance is in the public interest and not for the purpose of circumventing these regulations.

166.05 AGRICULTURAL LAND EXEMPTION. The division of land for agricultural use into parcels, all of which are ten (10) acres or more in area and have four hundred (400) feet or more of street or road frontage and which do not involve the creation of any new street or road, easement or other dedication, shall be exempt from the requirements of these regulations, provided however, that the provisions of applicable statutes and regulations are complied with.

166.06 DIVISION OF PLATTED LOTS. The division or consolidation of existing platted lots or parts of existing platted lots by description for the purpose of sale or development shall not be considered a subdivision within the scope of these regulations. However, any existing platted lot containing in excess of fifteen thousand (15,000) square feet which is to be divided into three (3) or more parcels intended as primary building sites or when such division involves a dedication to public use, such division shall fall within the jurisdiction of these regulations. The division and sale of a minor portion of any parcel of land for the purpose of adding land to an adjoining building site, when said adjoining parcel of land constitutes more than fifty percent (50%) of the newly created building site, shall not be counted as a division in determining the jurisdiction of these regulations.

166.07 APPROVALS NECESSARY. No plat or subdivision falling within the jurisdiction of these regulations shall be recorded or presented for recording under the provisions of Chapter 354 of the Code of Iowa until all provisions and approvals set forth herein have been met or obtained.

166.08 BUILDING PERMITS AND UTILITY CONNECTIONS PROHIBITED. No officer, employee, or agent of the City shall issue any building permit, make any water or sewer

connection, or issue any permit for any water or sewer connection for any building or buildings constructed or proposed to be constructed on land divided contrary to the provisions of these regulations. No officer, agent or employee of the City shall perform or cause to be performed any construction or maintenance upon any street or public way purported to be dedicated as a public street or public way by virtue of being shown on a plat, unless such plat shall have been approved as provided by these regulations. The previously noted prohibitions shall not apply to any plat or dedication legally filed of record before the enactment of these regulations by the City.

166.09 IMPROVEMENTS TO BE COMPLETED. No final plat shall be approved for recording unless street and utility improvements necessary to serve the intended occupants of the subdivision have been completed in a satisfactory manner, as set forth herein, or other assurances are executed, as provided herein, that such improvements will be completed. The standards and details of design contained in Sections 166.28 through 166.30 are intended only as minimum requirements and the Subdivider should use standards consistent with the site conditions to assure an economical, pleasant, and durable neighborhood. All subdivisions shall conform to the comprehensive plan approved by the Commission and adopted by the Council.

(Ord. 322 – Oct. 17 Supp.)

PLATTING PROCEDURES

166.10 PLANNING CONFERENCE. Any owner, developer or agent wishing to subdivide a parcel of land shall contact the City and arrange for a planning conference with the City Administrator and Public Works Director. This conference shall be for the purpose of determining the general requirements to be met in developing the subdivision. If the subdivision does not involve new streets or utilities, the planning conference may be waived.

166.11 FINDINGS OF THE PLANNING CONFERENCE. The proceedings of the planning conference shall be informal and no records need to be kept. It shall be the responsibility of the subdivider to determine the areas of agreement among the conferees and the problems which must be explored further through individual conferences with departments charged with administering the provision of utilities, streets, drainage and other public facilities. During the conference the general features to be required in the subdivision will be determined. All agreements arrived at by the conferees shall be subject to ratification by the Planning Commission as a whole.

166.12 PRELIMINARY PLAT. After the subdivider has determined the general features to be required in the subdivision, the subdivider may proceed to cause a preliminary plat to be prepared. An application in writing for tentative approval of the preliminary plat, together with six (6) 24 x 36-inch prints and two (2) 11 x 17-inch prints thereof, shall be filed with the Planning Commission at least two (2) weeks before the meeting of the Planning Commission at which the preliminary plat is to be acted upon, along with the subdivision fee in accordance with the fee chart most recently approved by the Council.

166.13 FORM OF THE PRELIMINARY PLAT. The preliminary plat shall be drawn to a scale of one hundred (100) feet to an inch, or larger scale as may be approved by the Planning Commission, and shall show the following information:

1. The proposed name of the subdivision.
2. North point, scale and date.
3. The names and addresses of the subdivider and of the engineer or surveyor.
4. The tract designation and other description according to the real estate records of the City or County Auditor and Recorder, also the designation of the proposed uses of land within the subdivision.
5. The boundary lines (accurate in scale) of the tract to be subdivided.
6. Contours with intervals of five (5) feet or less, referred to official City datum.
7. The names of adjacent subdivisions or the names of record owners of adjoining parcels of unsubdivided land.
8. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and other important features, such as section lines, political subdivision or corporation lines, and school district boundaries.
9. Existing sewers, water mains, culverts, or other underground structures, within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.

10. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
11. The layout, names, and widths of proposed streets, alleys and easements.
12. A plan of proposed water distribution system, sanitary sewers and storm sewers showing pipe sizes and the location of valves, fire hydrants, and fittings.
13. The layout, numbers, and scaled dimensions of proposed lots.
14. Indication of any portion of the subdivision for which a final plat is to be proposed when the subdivision is to be developed in stages.
15. The layout of proposed sidewalks.
16. The proposed zoning classification(s) for the subdivision as well as the existing zoning classifications of surrounding properties.

166.14 REVIEW AND APPROVAL OF PRELIMINARY PLAT. Upon receipt of the preliminary plat, the City shall cause copies thereof to be distributed to the representatives of any utility entities not under control of the Public Works Director. The recommendations of the utility companies shall be reported to the Planning Commission. The Planning Commission shall approve or disapprove a preliminary plat within sixty (60) calendar days of receipt unless a longer time is agreed upon with the subdivider. Upon approval or disapproval by the Planning Commission, the preliminary plat and the Planning Commission's recommendation shall be transmitted to the Council.

166.15 COUNCIL APPROVAL OF THE PRELIMINARY PLAT. The Council shall approve or disapprove the preliminary plat not later than the fourth regular meeting following the receipt of the report from the Planning Commission. The Council may give notice and hold public hearings.

166.16 EFFECT OF APPROVAL OF THE PRELIMINARY PLAT. Approval of the preliminary plat as set forth herein shall constitute authority to proceed with construction of the subdivision and preparation of the final plat subject to approval of detailed plans and specifications for improvements as set forth herein. The subdivision shall be constructed and the final plat prepared in conformity with the approved preliminary plat. Material deviation from such approved preliminary plat shall require resubmission for approval. Approval of a preliminary plat shall not constitute authority to sell lots, record the plat, advertise the future or conditional sale of lots based on the preliminary plat, or authority to construct permanent buildings in reliance upon the preliminary plat layout.

166.17 LARGE DEVELOPMENT STAGING PROCEDURE. In order to discourage premature subdivision and uneconomic improvements, the following procedure is provided for large development schemes:

1. When a developer or group of developers has in its control an area of land which such developer or group wishes to plat, the size of which is so large that the majority of the lots would take more than a year to sell, the developer may cause to be prepared a preliminary plat for the entire area.
2. On such preliminary plat, successive development divisions may be designated.

3. Upon approval of the preliminary plat, the developer may cause a final plat to be prepared for one or more development divisions, provided the order of development allows for logical provision of streets and utilities.
4. Each development division shall be considered as a final plat, and provisions of these regulations shall apply individually to each development division presented as a separate filing for record.

166.18 FEES.

1. Before a preliminary plat, final plat or plat of survey shall be considered by the Commission, the applicant or agent shall deposit with the Clerk a fee according to a schedule adopted from time to time by resolution of the Council. The appropriate fees shall be deposited following Council action on the preliminary plat, final plat or plat of survey. In the event that said fees are insufficient to reimburse the City for engineering charges incurred by the City in the examination and review of the preliminary plat, final plat or plat of survey, the Subdivider shall be responsible for any additional fees incurred by the City for such engineering charges.
2. In addition to the plat filing fees, the Subdivider shall be responsible for just and reasonable costs incurred by the City during the course of construction of the improvements for inspection, testing, or other work deemed necessary by the City to assure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.
3. The City shall annually, by resolution, determine the hourly rate which it shall pay for professional engineering services which shall be deemed to be the maximum rate which may be imposed upon any Subdivider during such annual period.

(Ord. 322 – Oct. 17 Supp.)

166.19 APPROVAL OF IMPROVEMENT PLANS. After approval by the Council of the preliminary plat, the subdivider may proceed to prepare and submit plans, profiles and specifications for improvements to the Public Works Director for approval. Such plans, profiles and specifications shall conform to design standards and standard specifications of the City and shall be in essential conformity with the approved preliminary plat. The Public Works Director shall give his or her approval in writing and no field changes shall be made without the approval of the Council.

166.20 INSPECTION DURING CONSTRUCTION. The City shall cause inspections to occur during construction, the cost of which will be borne by the subdivider. The subdivider will coordinate inspections with the City Engineer. A complete set of as-built plans indicating locations of water, sewer and storm sewer hookups will be provided to the City.

166.21 FINAL PLAT FILING. Within two (2) years of the approval by the Council of the preliminary plat, the subdivider shall file a final plat of the area covered by said preliminary plat in the office of the Planning Commission. Sufficient copies shall be submitted to facilitate review and approvals. If a final plat is not filed within two (2) years of the aforesaid approval of the preliminary plat, the latter shall be subject to review, revision or cancellation of approval by the Council.

166.22 FORM OF FINAL PLAT. The scale shall be one (1) inch equals one hundred (100) feet or larger. In the event that the entire plat cannot be drawn on one sheet, it shall be submitted in two or more sheets of the specified dimensions along with an index sheet of the same

dimensions showing the entire development in simplified form at a smaller scale. The original shall be submitted for checking and signature and shall become a permanent public record upon recording. Duplicate originals may be submitted for signatures and may become the property of the subdivider. The final plat shall portray the following information:

1. Name of subdivision, points of the compass, scale of the plat, name of subdivider, date and name, address and seal of the surveyor. Location of boundary lines, in relation to section, quarter section, all of which comprise a legal description of the property. All locations shall be tied to a Land Survey corner which has the approval of the County Engineer.
2. The lines of all streets and alleys and other lands to be dedicated with their widths and names shall conform to existing street name patterns and shall also portray the lines of the sidewalks on said streets.
3. All lot lines and dimensions and numbering of lots and blocks according to a uniform system. Statutory systems shall be complied with if applicable.
4. Indication of building lines with dimensions if such lines are desired.
5. Easements for any right-of-way provided for public use, drainage, services or utilities, showing dimensions and purpose.
6. All dimensions, both linear and angular, necessary for locating the lines of lots, tracts, or parcels of land, streets, alleys, easements and the boundaries of the subdivision. The linear dimensions are to be expressed in feet and decimals of feet. The plat shall show all curve data necessary to reconstruct on the ground all curvilinear boundaries and lines and radii of all rounded corners.
7. Closure. The perimeter and blocks of the plat shall close to an allowable unadjusted error of one in five thousand. Latitudes and departure computations shall be submitted. All lines in the plat shall meet this standard of accuracy.
8. The description, location and elevation of all bench marks.
9. The description and location of all permanent monuments set in the subdivision.
10. Names in dotted lettering of adjacent plats with location of adjoining streets shown by dashed lines.
11. Legal description of the lands being subdivided.
12. Certificate of dedication signed and acknowledged by all parties having any title interest in the land subdivided and consenting to the preparation and recordation of the plat as submitted.
13. Engineer's certificate and seal.
14. Certificates of approval in legally correct form and places for the signatures of the following: notary public acknowledging dedication, the Chairperson of the Planning Commission, the Mayor and City Clerk. Other certificates as may be required by law may be recorded as separate instruments accompanying the plat.

Fees for signage are due upon filing of the final plat in accordance with the fee chart most recently approved by the Council.

166.23 ACTION BY THE PLANNING COMMISSION. The Planning Commission shall consider the final plat at the regular meeting during the month following the month of filing and shall either approve or disapprove the plat. If the Planning Commission finds that the final plat

has been prepared in compliance with these regulations and in substantial compliance with the preliminary plat, such plat shall be approved. In the event of disapproval, specific points of variance with the aforesaid requirements shall be spread upon the record of this Planning Commission and a copy shall be transmitted to the subdivider. The Planning Commission may approve final plats at a special meeting called in accordance with the rules and regulations of the Planning Commission. Upon approval or disapproval, the Planning Commission shall within ten (10) days transmit to the Council the final plat along with the report of the Planning Commission.

166.24 COUNCIL ACTION. The Council shall consider the final plat along with the report of the Planning Commission not later than the second regular meeting following the date of filing with the Clerk. If the Council finds that the plat has been prepared in compliance with the preliminary plat, such final plat shall be approved. In the event of disapproval, the record shall show the specific points on which the final plat varies from these regulations or the preliminary plat. The Council may give notice of and hold any public hearings.

166.25 BONDING INCOMPLETE IMPROVEMENTS. In lieu of final completion of the improvements required herein before approval of the final plat, the subdivider shall post a performance bond approved by the City Attorney. Such bond shall insure to the City that improvements will be completed by the subdivider within one (1) year after approval by the Council. The bond amount shall be not less than the estimated cost of completing the improvements and inspections as specified by these regulations, other ordinances, resolutions or regulations of the City, and by the plans and specifications as approved for the preliminary plat. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete said improvements. Failure of the Council to take action on the bond immediately shall not bar the Council from taking appropriate action within a reasonable time.

1. Letters of Credit. The owner or developer may submit a letter of credit in lieu of a performance bond for sidewalk and erosion control improvements. Said letter of credit shall be from any approved bank or savings and loan in a form approved by the City Attorney, which letter, among other things, shall comply with the following requirements:

- A. Shall run in favor, of the City;
- B. Be in an amount determined by the City Administrator and approved by the Mayor and City Council to be sufficient to complete the improvements and installations in compliance with the regulations set forth in this chapter;
- C. Be issued by any approved bank or savings and loan association within the County;
- D. Specify that, in the event the owner or developer fails to complete the required improvements and installations within one year of the date of the approval of the plat, the bank or other assuring institution, shall pay to the City, upon demand, a sum sufficient to complete said improvements, or the face amount thereof, whichever amount shall be the lesser.

(Ord. 322 – Oct. 17 Supp.)

166.26 MAINTENANCE BOND. Before approval of the final plat, the subdivider shall post a maintenance bond for an amount to be approved by the Public Works Director and the Council. Said maintenance bond shall cover a period of four (4) years from the project completion date

as determined by the Public Works Director. The maintenance bond shall be conditioned on the subdivider's maintaining all improvements in good repair.

(Ord. 239 – Jan. 08 Supp.)

166.27 FILING OF RECORD. After the final plat has been approved and all signatures required herein have been affixed, the subdivider will deliver the plat and all necessary papers to the County Recorder as provided in Chapter 354 of the Code of Iowa, and the subdivider shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect. All filing fees shall be paid by the subdivider.

DESIGN STANDARDS

166.28 STREETS.

1. Streets Must Conform with General Plan. The arrangement, character, extent, width, grade and location of all streets shall conform to the General Plan of the City and to any plans which may be adopted by the Planning Commission or the Council.
2. Continuation of Existing Streets. New streets shall normally continue as an extension of existing streets unless good planning indicates a different solution. Street patterns shall take into consideration access needed to develop adjoining properties and shall conform to topography so as to provide the best building sites. Sketches of a proposed street system for adjoining property may be required if it is owned or under the control of the subdivider. Street names shall take the name of existing streets on the same general alignment. New street names shall be approved by the Planning Commission and not be so similar to existing names as to cause confusion.
3. Traffic Circulation. When possible, local or residential streets shall be planned so as to discourage through traffic and to conveniently channel traffic onto the collector and arterial streets.
4. Dead-end Streets Prohibited. Dead-end streets are prohibited, except that where the General Plan indicates a street is to continue past the subdivider's property, a temporary dead end may be allowed until such time as the street is continued.
5. Cul-de-sacs. Cul-de-sacs will be permitted where topography and other conditions justify their use. They may be up to 600 feet in length, as approved by the Planning Commission and Council. If necessary, a landscape plan shall be submitted for cul-de-sac islands, the maintenance of which shall be the responsibility of the adjacent owners.
6. Half Streets. Half streets are prohibited.
7. Angle of Intersection. Streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography and other conditions justify variations. The minimum angle of intersection of streets shall be seventy-five (75) degrees.
8. Street Jogs. Street jogs with centerline off-sets of less than one hundred fifty (150) feet shall be avoided.
9. Granular Paving Adjacent to Subdivision.
 - A. A developer may be required to extend or expand existing off-site public infrastructure as necessary to fully improve a proposed subdivision, or the City Council may, at its sole discretion, require a proposed subdivision to be delayed until such extension or expansion can be funded and construction by the city or other governmental entity.
 - B. Costs, Responsibilities. Developers may be fully responsible for the entire costs of improving all collector and local streets within a subdivision, and for the costs of paving a width of not less than 15.5 feet of roadway along all street frontages by providing a 10-year cash escrow to be held in a city account or by posting surety therefore, and turn lanes that serve or will serve the subdivision whether located within the subdivision or on a street.

(Subsection 9 – Ord. 322 – Oct. 17 Supp.)

10. Street Grades. Street grades shall conform with the overall drainage pattern of the locality of the subdivision and shall fall within the minima and maxima as follows: arterial street – 6%; local or residential and collector streets – 10%. No street grade shall be less than 0.5%.

11. Vertical Sight Distances. Change of grade shall conform to current standards of the City for the type of street in question, provided that in no case shall there be constructed a sight distance of less than one hundred (100) feet, measured four (4) feet above pavement surface at the ends of the tangent.

12. Horizontal Sight Distances. A tangent at least one hundred (100) feet long shall be introduced between reverse horizontal curves on collector and arterial streets. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet for collector streets and of such greater radii as the Planning Commission shall determine for arterial streets and in other special cases.

13. Pedestrian Ways. Pedestrian ways may be required by the Planning Commission so as to allow cross access for pedestrians in very long blocks. In general, blocks of eight hundred (800) feet or more in length should have a pedestrian way near the center of the block.

14. Standard Right-of-way Widths. For all streets, alleys and other thoroughfares hereafter dedicated and accepted, the minimum right-of-way widths shall not be less than the minimum dimensions for each classification of public way as follows:

- A. Arterial Streets – Seventy (70) feet or as set forth in the General Plan or other plan adopted by the Planning Commission or the Council.
- B. Collector Streets – Sixty (60) feet.
- C. Local or Residential Streets – Sixty (60) feet.
- D. Cul-de-sac – sixty (60) feet with a 130' diameter turn-around at the closed end. Cul-de-sacs are subject to approval by City on project-by-project basis; provide areas designated for snow removal storage from cul-de-sac.
(Subsection 14 (C-D) – Ord. 322 – Oct. 17 Supp.)
- E. Alleys – twenty (20) feet.
- F. Pedestrian Ways – ten (10) feet.

For details of grades and pavement widths, see provisions under the heading of Improvements. Reserve strips controlling access to streets shall be allowed under conditions adequate to protect future public interests.

166.29 BLOCKS.

1. Block Length. Intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets and customary subdivision practice in the immediate area. Blocks shorter than four hundred fifty (450) feet and longer than one thousand two hundred (1,200) feet in residential districts should be avoided. Blocks longer than six hundred (600) feet should be avoided in business districts.

2. Block Width. The width of a block shall be sufficient to allow for two (2) tiers of lots with alley or utility easement if required. Blocks intended for business or

industrial use shall be of such width as may be best suited for the contemplated use of the property, taking into consideration the probable arrangement of parking and truck loading and maneuvering upon the property.

3. Very Large Lots and Blocks. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extension of such streets may, at the direction of the Planning Commission, be made a requirement of the plat.

166.30 LOTS.

1. Minimum Lot Dimensions. Lot sizes shall meet or exceed the requirement of the Zoning Regulations as to lot size and shall as near as practical meet or exceed the typical lot size for existing building sites in the immediate vicinity. Each lot shall be a buildable site after taking into account all yard spaces required by the Zoning Regulations. Excessive lot depth in relation to width shall be avoided. In general, the ratio of width to depth should be one to one and one-half (1:1.5).

2. Corner Lots Wider. Corner lots in residential areas shall be enough wider than inside lots so as to allow an appropriate setback from both streets.

3. Side Lines Perpendicular. Side lines of lots shall be approximately at right angles to straight street lines and radial to curved street lines.

4. Double Frontage. Lots with street frontage at both front and rear shall be avoided except when backing on an arterial street.

5. Street Frontage. Each lot shall have frontage on a street. An alley shall not suffice as a sole means of access.

6. Reversed Frontages and Key Lots. Reversed frontages at cross street intersections shall be avoided except where it will match existing development. Key lots, being those inside lots fronting on side streets, shall be avoided except where they are matching existing development and other lots are excessively deep. Key lots shall be prohibited where they disrupt utility or drainage easements. Reverse frontage and normal corner lots when adjacent to a key lot shall have additional width to allow full front yard setbacks on both streets. Homes on streets with several reversed frontage lots shall be required to face the same direction.

7. Outlots shall be prohibited.

166.31 EASEMENTS.

1. Utility Easements. Utility easements shall be twenty (20) feet wide, falling half on adjoining lots along rear lot lines. They shall be planned for easy and continuous access for maintenance, shall be continuous through the block and shall connect as nearly in line as possible with adjoining easements. To facilitate the use of easements, rear lot lines in curvilinear platting shall form straight lines for as long a distance as feasible. Side lot easements may be ten (10) feet wide. Where topography dictates, the full width of an easement may fall on one lot.

2. Drainage Easements. Drainage easements for storm sewers or open channels may be required where storm drainage cannot be practically carried under streets or on other rights-of-way. Open channel drainage easements may be required where there is

evidence that the natural drainage for a large area traverses the subdivision. Drainage easements shall be sufficient in width so that motorized equipment may be used in their maintenance.

166.32 IMPROVEMENTS. Every subdivision shall contain normal improvements before acceptance or have such improvements assured by the posting of a bond or other device as set forth herein. Improvements shall include:

1. **Monuments.** Permanent monuments shall be set at each corner at the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be metallic, at least thirty (30) inches long, and installed with an inert cap indicating the Iowa registration number of the land surveyor.

2. **Compaction.** *(Repealed by Ord. 322 – Oct. 17 Supp.)*

3. **Storm Drainage.** Storm drainage shall be provided with sufficient capacity to handle all surface water traversing the subdivision. The design of waterways, pipes, culverts and catch basins shall conform with standard practice, specific plans and standard specifications of the City. All storm drainage piping shall be cleaned, inspected, and tested per standard specifications of the City prior to acceptance.

(Ord. 322 – Oct. 17 Supp.)

4. **Sanitary Sewers.** Sanitary sewers shall be installed for service to each lot according to standard specifications of the City and shall meet the Iowa Department of Natural Resources regulations. The City may require over-sizing of the system to allow greater capacity for future use, and in said event, there shall be an arrangement or an agreement whereby the developer will be reimbursed in a satisfactory manner. Where public water supply and sanitary sewers are reasonably available, the Subdivider shall connect to these systems. Where the public systems are not available, the Subdivider shall indicate the type of water supply and sewage treatment proposed to be provided. The Subdivider shall include dry sewers where public sewer system is not available unless this requirement is waived by the City Council. All sewer piping shall be cleaned, inspected, and tested per standard specifications of the City prior to acceptance.

(Ord. 322 – Oct. 17 Supp.)

5. **Water Supply.** Water supply shall be completed to each lot in accordance with the design standards and standard specifications of the City. Fire hydrants shall be installed in a pattern approved by the City. All public water supply plans and specifications shall meet the Iowa Department of Natural Resources and City regulations. The City may require over-sizing of the system to allow greater capacity for future use, and in said event, there shall be an arrangement or an agreement whereby the developer will be reimbursed in a satisfactory manner.

6. **Grading.** Grading shall be completed to official grade on all streets for the full width of the right-of-way, and fills shall be compacted sufficiently to assure adequate support for permanent paving, as set forth by City specifications.

7. **Paving.** Paving of a permanent type shall be completed on all streets in accordance with the standard specifications of the City and in conformity with any official street plans which may be adopted by the Planning Commission or by the Council.

A. **Minimum pavement thickness** shall be six (6) inches reinforced or seven (7) inches of non-reinforced Portland cement concrete.

B. Six (6) inches of granular material to be placed under all new roads may be required unless a geotechnical analysis has been provided.

(Ord. 322 – Oct. 17 Supp.)

C. An appropriate amount of ballast shall also be used when deemed necessary by the Public Works Director.

D. A minimum of six-inch (6”) subdrains on both sides of the street to drain water from the street and provide an outlet for sump pumps shall be installed and connected to proper storm sewer drains. In some cases, a separate “mini” storm sewer system may be required.

(Ord. 322 – Oct. 17 Supp.)

E. Six-inch (6”) concrete driveways.

(Ord. 322 – Oct. 17 Supp.)

F. Curb and gutter – 6” x 30” (standard vertical) or roll back 6” radius.

Typical cross sections of streets will be provided by the Public Works Director. Standard installations for sanitary sewer, storm drainage and water supply shall be installed before paving, even though such facilities cannot be connected with the City system at the time of approval of the plat.

8. Minimum Paving Widths. For all streets and other thoroughfares, the minimum paving widths shall not be less than the minimum dimensions for each classification of public way as follows and consistent with the Major Streets Plan:

A. Arterial Streets* – Thirty-one (31) foot paving back to back of curb.

B. Collector Streets – Thirty-one (31) foot paving back to back of curb.

C. Local or Residential Street – Twenty-nine (29) foot paving back to back of curb.

D. Cul-de-sac Turn-around – Ninety (90) foot paving back to back of curb.

*Greater widths may be required. Each situation will be reviewed on a case by case basis.

(Ord. 322 – Oct. 17 Supp.)

9. Utilities. All utility services shall be made available to each lot in such a manner as will eliminate the necessity for disturbing the street paving, curbs, gutter, and drainage structures when connections are made. All utilities shall be placed underground and in accordance with standard specifications of the City.

10. Inspections and Testing. An appropriate number of inspections and tests determined by the City Engineer shall be provided for by the subdivider so as to meet the requirements of the engineer. All test results shall be submitted to the City and a letter certifying that all improvements have been completed according to the City with be provided by the City Engineer. All inspection and testing costs will be borne by the subdivider.

11. Final Plans. Upon completion of construction of any such utilities or improvements, one (1) set of reproducible tracings of complete as-built final plans, dated, signed and certified by the engineer in charge, shall be filed with the Clerk showing all features as actually installed, including materials, size, location depth or elevation, numbers, ends of lines, connections, wyes, valves, storm sewer drains, inlets and all other pertinent information. There shall be no connections made to such utilities serving the subdivision until the foregoing has been complied with.

12. Sidewalks. The Subdivider shall provide for the installation of sidewalks along all newly created lots, including sidewalks on adjacent existing streets. Sidewalks shall

be built according to the standards and specifications of the City. The Subdivider shall indicate in the application for approval of a preliminary or final plat those sidewalks that will be constructed at the time of installation of public improvements, and those that the Subdivider would like the Council to defer until a later date. If the Council agrees to defer construction of the sidewalks, sidewalks shall be constructed at the time a principal structure is built upon the adjacent lot or lots or within five (5) years of plat approval, whichever is earlier. Notwithstanding the above, the Council may require the sidewalk's construction at the time adjacent roadway construction takes place or at any other time as noted in the final plat approval. At the time sidewalk construction is required as provided above, such construction shall be completed at the sole cost and expense of the person or entity that owns the property or lot at the time of construction.

A. Sidewalks shall be five (5) feet wide and located within the right-of-way with the outer edge one (1) foot from the right-of-way line.

B. Sidewalks will be installed by developer on streets adjoining the subdivision and having double frontage lots prior to final plat approval. The sidewalks will be installed on street side that adjoins the subdivision unless waived by the City Council.

(Ord. 322 – Oct. 17 Supp.)

13. Driveway Approaches. Driveways shall be hard surface (asphalt or concrete) from the traveled portion of the street to the property line and shall be installed when the lot is developed.

14. Developers shall provide for the perpetual maintenance of any and all subdivision improvements that are not dedicated to the City or other governmental entity, by establishing an owner's association or other person, whether an individual or individuals, in a manner and form that is acceptable to the City. Such improvements may include but are not limited to storm water detention and infiltration basins; buffer yards, landscaping, fencing or walls, and other screening; subdivision signs, directional signs, traffic signs and pavement markings; and on-site lighting.

(Ord. 322 – Oct. 17 Supp.)

MODIFICATIONS AND ENFORCEMENT

166.33 MODIFICATION OF REQUIREMENTS. The strict application of the terms of these regulations may be modified by three-fourths ($\frac{3}{4}$) vote of the Council upon the recommendation of the Planning Commission in the event that it is found that any specific provision is impractical in its application to a specific parcel of land because of characteristics peculiar to said parcel and the intent of these regulations will not be compromised.

166.34 ENFORCEMENT. The Public Works Director shall be responsible for the enforcement of these regulations. All employees and officials of the City shall report in writing to the Public Works Director any violation or suspected violation of these regulations.

166.35 DEVELOPMENT APPLICATION PARK LAND DEDICATION.

1. This Park Land Dedication section is effective for any plat that has not received final approval prior to adoption.
2. For purposes of this section the term "development application" shall mean any presentation or filing with the City for residential development purposes of any subdivision of land over which the City has subdivision review and approval authority, or the filing or presentation of any site plan, PUD, PUD specific plan, permitted conditional use plan or development, subdivision master plan or area development plan, over which the City has approval authority or a declaration of horizontal property (condominium) regime pursuant to Iowa Code Chapter 499B.
3. All persons making a development application shall dedicate to the City, within the land covered by the development application, land for park and recreational purposes sufficient to meet the requirements of this section.
4. In each tract of land covered by a development application, there shall be reserved and dedicated to public use ten (10) acres of land for park purposes for each one thousand (1,000) people, based upon the projected population of the completed development application as calculated in accordance with this section. Such dedication shall be prorated to the amount indicated by the projected population to the nearest one thousand (1,000) square feet of land to be dedicated, but in any event, no dedication of land for park use shall contain a total for park usage of less than ten thousand (10,000) square feet of land so dedicated. For purposes of this section, property subject to a horizontal property condominium regime under Iowa Code Chapter 499B shall be treated as single-family detached.
5. For purposes of this section, population in the completed area covered by the development application will be determined by multiplying the number of housing units projected in the area covered by the development application for each use category times the anticipated average per unit as given below. The quantity calculated for each residential type shall be added together and the sum shall be the projected population for purposes of the development application. For the purposes of this section, the following population estimates per residential type will be used:
 - A. Single-family detached: 2.90 people.
 - B. Single-family attached: 2.59 people.
 - C. Multi-family unit: 1.82 people.

6. The City may require that all land dedicated under this section be configured or located to optimize aggregations of land and thus may require that the dedicated land be adjacent to the land affected by other development applications or to otherwise maximize usefulness of the land in accordance with the City's Comprehensive Plan and Parks & Trails Master Plan. *(Ord. 322 – Oct. 17 Supp.)*

7. This section shall not apply to any development application which does not include residential development, provided, however, to the extent any development application includes residential uses then dedication of park land shall be required to the extent determined in accordance with this section.

8. For purposes of this section the water area of ponds, streams, retention basins, detention basins and other bodies of water, or the land area of buffer park easements and site plan open space requirements, shall not be included in determining any area dedicated for park purposes.

9. The dedication of land for park purposes shall include dedication of a corridor or point of connection for public pedestrian access, the areas of which shall be included in determining compliance with this section.

10. The required land dedication under this section shall be reduced when the person making the development application provides public access by easement to recreational facilities, playgrounds, unobstructed open spaces, ball fields, soccer fields, tennis courts, basketball courts, volleyball courts, picnic shelters, recreational trails and other similar non-duplicated recreational facilities which have been (or will be) constructed and maintained by the applicant. There shall not be any credit for swimming pools, clubhouses, and other similar facilities. In order to determine the credit the City shall ascertain the fair market value of the land required to be dedicated under this section and from such value subtract the cost of the recreational facilities constructed by the applicant and provided under this section. The person making the development application shall then only be required to dedicate land equal in value to the remainder.

11. As an alternative to dedication under this section, any person filing a development application may provide jointly with other persons for the dedication of land in an amount at least equal to the amount required under this section, at a location which is not part of the land for which approval is sought, provided such alternative is within the same neighborhood park area as the land for which a development application has been made, that the alternative jointly provided will provide for a park with a total land area of at least five (5) acres, consistent with the Comprehensive Plan and that such alternative dedication of land is or has actually been dedicated to the City and has been accepted by the City for use in accordance with the Comprehensive Plan and Parks & Trails Master Plan. *(Ord. 322 – Oct. 17 Supp.)*

12. Where application of the formula set forth in subsection 4 of this section results in a dedication requirement of less than ten thousand (10,000) square feet the person making or filing the development application may elect to dedicate ten thousand (10,000) square feet of land or fulfill their obligation by participating in an option provided by subsection 10 of this section, but such alternative participation shall be based upon the actual calculation under subsection 4 of this section and not upon the equivalent of ten thousand (10,000) square feet of land.

13. Subsections 10 and 11 of this section notwithstanding, any entity required to comply with this section may present an alternate plan which meets the purposes of this

section as a means of complying herewith. It will be the burden of the entity presenting such plan to establish that such plan meets the purposes of this section. Any such plan shall be first reviewed by the Plan and Zoning Commission. Any alternate proposal must directly and proportionately benefit the development. A plan may include a payment in lieu of land dedication equal to the fair market value of the land to be dedicated. Such payment may be used only for park and recreation facility purposes consistent with the Comprehensive Plan.

14. This section shall not apply to any development application containing three (3) or fewer single-family residential units. A person making or filing a development application shall not divide land into separate plats in order to seek a waiver under this provision. Where a development application is made for multiple contiguous tracts within any two (2) years the City may treat all the development applications as one for purposes of this section.

15. No declaration of a condominium regime and under Iowa Code Chapter 499B, nor any conversion of an apartment to a condominium under Iowa Code Section 499B.3 shall be completed before the person or entity filing the declaration shall have complied with the land dedication requirements of this chapter.

16. If any subsection or provision of this section is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this section which can be given effect without the invalid portion or portions and to this end each subsection and provision of this section is severable.

17. Any person making or filing a development application or any person, entity, or developer affected by any decision made by any department acting under this chapter, may appeal to the City Council by filing notice of appeal with the City Clerk and a filing fee of one hundred dollars (\$100.00) payable to the City of Adel to be credited to the general fund of the City. Such appeal shall be taken within ten (10) days from the decision of the department acting under this chapter and shall set out in detail the reasons and grounds for the appeal. The City Clerk shall forthwith transmit to the City Council all papers constituting the record upon which the action appeal is taken. An appeal stays all proceedings in furtherance of the appeal.

18. The City Council shall upon the filing of an appeal fix a reasonable time for a hearing, giving public notice thereof as well as due notice to the parties in interest. All interested persons may offer oral or written testimony at the public hearing on the appeal. A vote of three (3) members of the City Council may affirm, modify, or reverse any decision of any department acting under this chapter.

19. Any person, entity, or developer aggrieved by any appeal decision of the City Council may within thirty (30) days from the date of the City Council rendering a decision, appeal therefrom to the district court of Dallas County, Iowa, in accordance with the rules of civil procedure, division XIV, entitled "certiorari."

(Sec. 166.35 – Ord. 297 –Jan. 14 Supp.)

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