

ZONING AND SUBDIVISION

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GENERAL PROVISIONS AND DEFINITIONS

165.01 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 Zeoring, Iowa.

165.02 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this chapter within each district 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, 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 as of the effective date of 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 this chapter shall meet at least the minimum requirements established by these regulations.
4. 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.
5. All structures existing, as of the effective date of this chapter and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue and exist.

165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

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 165.04 of Ordinance No. _____ of the City of Zearing, 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 to the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

No amendment of these regulations which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. Annexation of New Land. Any land annexed to the City after the effective date of this chapter shall be zoned [AG] Agricultural until the Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in accordance with this chapter.

3. 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 Zearing, 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.

165.04 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 center lines of streets, highways, or alleys shall be construed to follow such center lines;
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 railroad lines shall be construed to be midway between the main tracks;
5. 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 center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. 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 by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;

8. Whenever the Council vacates and disposes of a street or alley, adjacent districts shall extend to the center line of the vacation;

9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

165.05 DEFINITIONS. For purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the 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.”

1. **Abutting** - Having property or district lines in common.
2. **Access** - A way of approaching or entering a property from a public street.
3. **Accessory Buildings** - A subordinate building located on the same lot with the main building, occupied by or devoted to, an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

4. Accessory Use - A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
5. Agricultural Services - Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.
6. Agriculture - The production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or land devoted to a soil conservation or forestry management program. "Agricultural" shall not include livestock confinements of greater than 250 animals unless the owners of said facility reside on the premises.
7. Alley - A public way, other than a street, thirty (30) feet or less in width, affording secondary means of access to abutting property.
8. Basement - A story having part but not more than one-half (1/2) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
9. Bed and Breakfast Houses - A house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
10. Board - The Board of Adjustment.
11. Boarding Houses - A building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
12. Building - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
13. Building, Height of - The vertical distance from the average natural grade at 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 gable, hip, and gambrel roofs.

14. District - A section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

15. Dwelling - Any building, or portion thereof, designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.

16. Dwelling, Multiple - A building or portion thereof designed for or occupied exclusively for residence purposes by two or more families.

17. Dwelling, Single-family - A building designed for or occupied exclusively for residence purposes by one family.

18. Elder Home - Any residential facility which meets the definition of an elder home as defined in Section 414.29 and referenced sections of the Code of Iowa.

19. Family - One or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may include three (3), but not more than three (3), persons not related by blood, marriage or adoption but further provide that domestic employees employed on the premises may be housed on the premises without being counted as a family or families. When facilities for dwelling purposes are rented to other occupants of a building, those occupants shall not be considered part of the same family under this chapter.

20. Family Home - A community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 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.

21. Fence - An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

22. Frost-Free Foundation - A foundation supporting a structure which is required to be at least forty-two (42) inches below grade.

23. Garage - A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.
24. Garage, Private - A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
25. Garage, Public or Storage - A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.
26. Grade - The average elevation of the finished ground at the exterior walls of the main building.
27. Health Care Facility - Any residential care facility, intermediate care facility, or skilled nursing facility.
- A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, personal assistance and other essential daily living activities to three (3) 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 - Any institution, place, building or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) 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 - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) 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 (24) hour per day basis.

28. Home Occupation - An occupation conducted in a dwelling unit, provided that:

A. No more than one (1) person other than members of the family residing on the premises shall be engaged at any one time on the premises in such occupation, except by special exception by the Board of Adjustment.

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 thirty percent (30%) of the gross floor area in the dwelling unit shall be used in the conduct of the home occupation. Any extension of the home occupation beyond thirty percent (30%) of the gross floor area of the dwelling unit shall only be approved by special exception of the Board of Adjustment.

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 (1) sign, not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

D. No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment.

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. All home occupations shall be registered with the Zoning Administrator within twelve (12) months of the effective date of this chapter. If not registered, such home occupations shall lose any legal status provided by this chapter.

29. Hospital - An institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four (24) hours of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

30. Hotel - A building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

31. Junk Yard - Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and 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 as part of manufacturing operations.

32. Kennel (Commercial) - An establishment in which dogs or domestic animals more than one (1) year old are housed, groomed, bred, boarded, trained, or sold.

33. Lodging House - A building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals,

or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

34. Lot - For purposes of this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

35. Lot Frontage - The front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

36. Lot Measurements -

A. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac where eighty (80) percent requirement shall not apply.

B. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

37. Lot of Record - A lot which is part of a subdivision 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.

38. Lot Types - The chart on the following page illustrates terminology used in this chapter with reference to “corner” lots, “interior” lots, “through” lots, and “reversed corner” lots as follows:

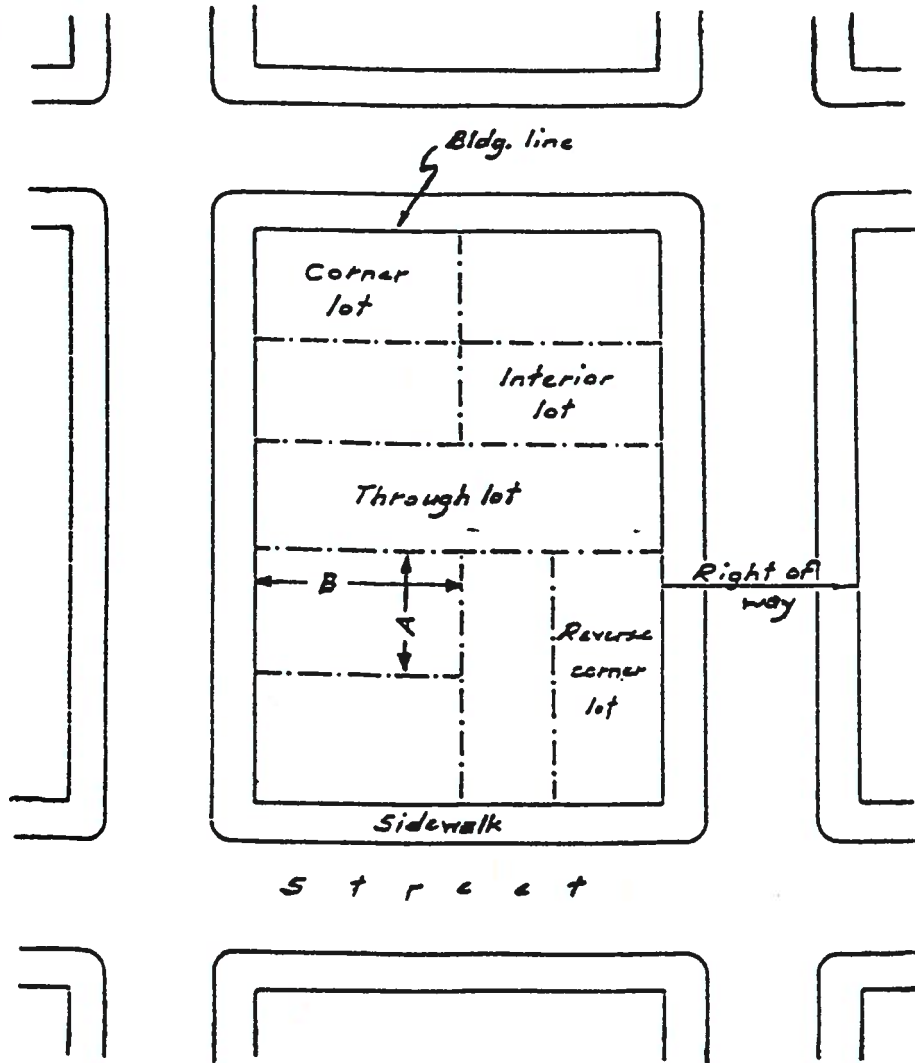
“corner” lot - a lot located at the intersection of two or more streets.

“interior” lot - a lot other than a corner lot with only one frontage on a street other than an alley.

“through” lot - a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two non-intersecting streets may be referred to as “through” lots.

“reversed corner” lot - a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

CHART — LOT



A - Width of lot

B - Depth of lot

39. **Manufactured Home** - A manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 435.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the Code of Iowa, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

40. **Mobile Home** - Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, 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.

41. **Motel (Also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court)** - A building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest's vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

42. **Nonconformities** - Lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of enactment of the ordinance.

43. **Nursing or Convalescent Home** - A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.

44. **Parking Space** - An area of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

45. **Parking (Off-Street)** - Parking spaces solely developed on privately owned properties and not including any public right-of-way areas.
46. **Permitted Use** - A use by right which is specifically authorized in a particular zoning district.
47. **Principal Use** - The main use of land or structures as distinguished from an accessory use.
48. **Projections (into yards)** - Parts of buildings such as architectural features that extend beyond the building's exterior wall.
49. **Service Station (Gas Station)** - A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.
50. **Setback** - The required distance between every structure and lot line on the lot in which it is located.
51. **Signs** - 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.
52. **Signs, On-Premises** - 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.
53. **Signs, Off-Premises** - 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 which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.).
54. **Statement of Intent** - A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.
55. **Story** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

56. Story, Half - 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 shall be counted as a full story.

57. Street - All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

58. Street Line - The right-of-way line of a street.

59. Structural Alteration - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

60. Structure - Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including other structures specifically exempted by City resolution.

61. Swimming Pool - A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land or an above-surface pool, having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing.

62. Use - The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

63. Variance - A device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.

64. Yard - An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

65. Yard, Front - A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. Corner lots shall have two (2) front yards and two (2) side yards. (See chart on following page)

66. Yard, Rear - A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On interior lots the rear yard shall be the opposite end of the lot from the front yard. (See chart on following page)

67. Yard, Side - A yard extending from the front yard to the rear yard and measured between the side lot lines and the building. (See chart on following page)

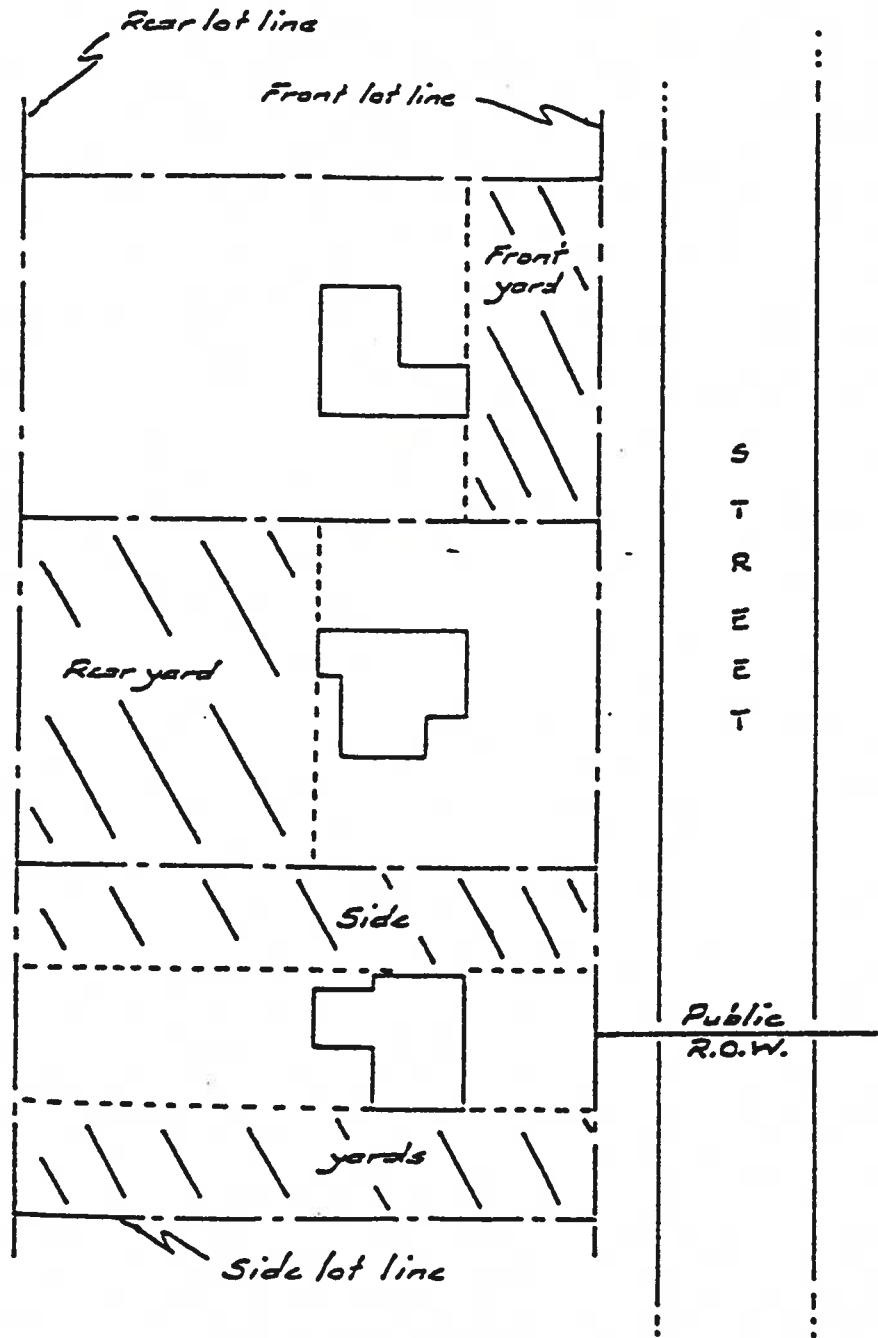
68. Zoning Administrator - The local official responsible for reviewing zoning permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning Administrator.

69. Zoning Commission - A Commission appointed by the Council to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this chapter.

70. Zoning District - 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.

71. Zoning Map - The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

CHART — YARD



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NONCONFORMITIES

165.10 NONCONFORMITIES. Within the districts established by this chapter there exist:

1. lots,
2. structures,
3. uses of land and structures, and
4. characteristics of use,

which were lawful before these regulations were adopted or amended, but which are prohibited, regulated, or restricted under the terms of this chapter 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, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district; however, it is the intent of this chapter to allow structures which were nonconforming under the previous chapter, but which are conforming under this chapter to be considered legal as of the date of adoption of this chapter and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this chapter.

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.

165.11 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, notwithstanding limitations imposed by other provisions of the chapter. 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.

165.12 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of adoption of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, 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, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations.
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 this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent 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.

165.13 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of these regulations 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 to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed 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.

4. All nonconforming signs shall be removed within sixty (60) months of the effective date of this chapter.

165.14 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 these regulations, 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 this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, 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 this chapter, 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 this subsection is defined as damage to an extent of more than fifty (50) 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 eighteen (18) months of the time of destruction or the nonconforming status shall expire.

165.15 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 cubic content of the building as it existed at the time of adoption or amendment of this chapter shall not be increased.

165.16 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES. 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.

DISTRICT REGULATIONS

165.20 DISTRICTS ESTABLISHED. The City is herewith divided into the following districts:

- AG Agricultural District
- CN Conservation District
- RS Residential Single-Family District
- RM Residential Multi-Family District
- MH Mobile Home District
- HC Highway Commercial District
- BC Central Business Commercial District
- LI Light Industrial District
- HI Heavy Industrial District

These districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter.

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165.22 AG - AGRICULTURAL DISTRICT.

1. Intent. This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.
2. Permitted Uses. The following uses are permitted in the AG District:
 - A. Agriculture, including the usual agricultural buildings and structures and excluding offensive uses and commercial livestock feed confinements that do not meet the definition of "Agricultural."
 - B. Home occupations.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District.
 - A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - B. Private garages, barns and other farm buildings.
 - C. Roadside stands offering for sale only agricultural products or other products produced on the premises.
 - D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Cemeteries, crematories or mausoleums.
 - B. Commercial kennels.

- C. Stables, private or public.
 - D. Greenhouses and nurseries.
 - E. Publicly operated sanitary landfills.
 - F. Private recreational camps, golf courses and recreational facilities.
 - G. Public or private utility substations, relay stations, etc.
 - H. Churches or accessory facilities (on or off site).
 - I. Publicly owned and operated buildings and facilities.
 - J. Agricultural services.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District:

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
2 acres	300	50	10	50	2½ stories or 35 feet

* No structure shall be allowed closer than 100 feet to any RS or RM District.
 ** Agricultural accessory buildings are exempted from these requirements.

6. Off-street Parking. The following off-street parking requirements shall apply in the AG District:
- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.
 - B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
 - C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
 - D. Roadside stands: one (1) parking space for each fifty (50) square feet of enclosed floor area.
 - E. Greenhouses and nurseries: one (1) parking space per one thousand (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.
8. Permitted Signs. The following signs shall be permitted in the AG District:
- A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.
- B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.
- C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.
- D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.
- E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.
- F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.
- G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.
- H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

9. General Sign Regulations. The following sign regulations shall apply to the AG District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

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, Municipal 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 may be erected on municipal utility structures by written approval of the City.

J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

165.24 CN - CONSERVATION DISTRICT. This district is intended to prevent, in those areas which 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, protect natural erosion control, protect natural drainage ways and to generally provide for ecologically sound land use of environmentally sensitive areas.

1. Permitted Uses. The following uses are permitted in the CN District.

- A. Undeveloped and unused land in its natural condition.
- B. Public parks and recreation open space.

2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the CN District.

- A. Agriculture, exclusive of dwelling units.
- B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded.
- C. Flood control structures.
- D. Roadside stands offering for sale only agricultural products or other products produced on the premises.
- E. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.

3. Special Exceptions. Certain uses may be permitted in the CN District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Cemeteries, crematories or mausoleums.
- B. Stables, private or public.
- C. Greenhouses and nurseries.
- D. Private recreational uses.
- E. Public or private utility substations, relay stations, etc.
- F. Publicly owned buildings and facilities.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the CN District.

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
5 acres	200 feet	50	20	50	2½ stories or 35 feet, excluding farm buildings

5. Off-street Parking. The following off-street parking requirements shall apply in the CN District.

A. Roadside stands: one (1) parking space for each fifty (50) square feet of floor area.

B. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

6. 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.

7. Permitted Signs. The following signs shall be permitted in the CN District:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.

C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.

H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

8. General Sign Regulations. The following sign regulations shall apply to the CN District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

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,

Municipal 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 may be erected on municipal utility structures by written approval of the City.

J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

9. Floodway and Floodway Fringe Districts. All areas within the flood plain are subject to the City's Floodway and Floodway Fringe District regulations as adopted and which are included in this Code of Ordinances.

165.26 RS - RESIDENTIAL SINGLE-FAMILY DISTRICT.

1. Intent. This district is intended to provide for a variety of single-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various single-family residential areas of the City.

2. Permitted Uses. The following uses are permitted in the RS District:

- A. Single-family detached dwellings.
- B. Family homes.
- C. Elder homes.
- D. Home occupations.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District:

- A. Private garages.
- B. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing two (2) acres or more and except within an enclosure at least one hundred fifty (150) feet from any residence now existing or hereafter erected.
- C. Private recreational facilities.
- D. 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. Certain uses may be permitted in the RS District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Multi-family dwellings.
- B. Nursery schools.
- C. Public or private utility substations, relay stations, etc.

- D. Churches and church-owned buildings and facilities.
- E. Publicly owned and operated buildings and facilities.
- F. Private schools with a curriculum similar to public schools.
- G. Golf courses but not miniature courses or separate driving tees.
- H. Bed and breakfast houses.
- I. Funeral homes.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS District:

Min. Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
6 RS	6,000	50	25	10	20	2½ stories or 35 feet
10 RS	10,000	80	25	10	25	2½ stories or 35 feet
40 RS	40,000	200	50	20	50	2½ stories or 35 feet

Note: Corner lots shall have two (2) front and two (2) side yards.

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

- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.
- B. Two-family dwellings: one (1) parking space on the lot for each dwelling unit.
- C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- D. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
- E. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space for each three hundred (300) square feet of gross floor area in the auditorium or gymnasium.

F. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.

G. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.

H. Public buildings and facilities: one parking space for each three hundred (300) square feet of gross floor area.

I. Nursery schools: one (1) parking space per employee.

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.

8. Permitted Signs. The following signs shall be permitted in the RS District:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.

C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for

churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.

H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

9. General Sign Regulations. The following sign regulations shall apply to the RS District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

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, Municipal 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 may be erected on municipal utility structures by written approval of the City.
- J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

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165.28 RM - RESIDENTIAL MULTI-FAMILY DISTRICT.

1. Intent. This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various multi-family residential areas of the City.

2. Permitted Uses. The following uses are permitted in the RM District:

- A. Single-family detached dwellings.
- B. Multi-family dwellings.
- C. Home occupations.
- D. Family homes.
- E. Elder homes.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RM District:

- A. Private garages.
- B. Parking lots.
- C. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing two (2) acres or more and except within an enclosure at least one hundred fifty (150) feet from any residence existing or hereafter erected.
- D. Private recreational facilities.
- 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. Certain uses may be permitted in the RM District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Nursery schools.

- B. Public or private utility substations, relay stations, etc.
 - C. Churches and church-owned facilities and publicly owned and operated buildings and facilities.
 - D. Private schools with curriculum similar to public schools.
 - E. Lodging houses, dormitories, fraternities and sororities.
 - F. Bed and breakfast houses.
 - G. Health care facilities.
 - H. Hospitals.
 - I. Funeral homes.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RM District:

Min. Lot Area Per Dwelling (sq. ft.)	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (feet)
3,000	10,000	80	25	10	25	3 stories or 45 feet

Note: Corner lots shall have two (2) front and two (2) side yards.

6. Off-street Parking. The following off-street parking requirements shall apply in the RM District:
- A. Single-family dwellings: two (2) parking spaces on the lot.
 - B. Multi-family dwellings: one (1) parking space on the lot for each dwelling unit.
 - C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
 - D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space per each three hundred (300) square feet of gross floor area in auditorium or gymnasium.
 - E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.

F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.

G. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

H. Nursery schools: one (1) parking space per employee.

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

A. All activities or uses allowed in the RM 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.

8. Permitted Signs. The following signs shall be permitted in the RM District:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.

C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments,

provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.

H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

9. General Sign Regulations. The following sign regulations shall apply to the RM District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

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, Municipal 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 may be erected on municipal utility structures by written approval of the City.

J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

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165.30 MH - MOBILE HOME DISTRICT.

1. Intent. 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. The following uses are permitted in the MH District:
 - A. Mobile homes located in an approved mobile home park.
 - B. Home occupations.
3. Accessory Uses.
 - A. Private recreational facilities.
 - B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
4. Special Exceptions.
 - A. Public or private utility substation, relay stations, etc.
 - B. Nursery schools.
 - C. Churches or accessory facilities (on or off site).
 - D. Home occupations in accessory buildings.
5. Minimum Mobile Home Park Requirements. All applications for a permit to establish a mobile home park shall contain:
 - A. The area and dimensions of the tract of land.
 - B. The number, location, and size of all mobile home lots.
 - C. The location of water and sewer lines and riser pipes.
 - D. Plans and specifications of the water supply and refuse and sewage disposal facilities.

- E. Plans and specifications for all permanent buildings constructed or to be constructed within the mobile home development.
 - F. The location and details of lighting and electrical systems.
 - G. The Planning and Zoning Commission shall review all applications for permits under the provisions of this chapter, and the applicant may be granted a public hearing before the Planning and Zoning Commission. The results of Planning and Zoning Commission findings shall be forwarded to the City Council for approval of the said plans.
6. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the MH District:
- A. No mobile home shall be located within fifteen (15) feet of any other, within five (5) feet of any driveway or parking space, within forty (40) feet of the right-of-way line of a public street.
 - B. Each mobile home site shall be provided with a stand consisting of a solid, 6-inch thick, poured Portland cement concrete apron not less than eight (8) feet wide and forty-five (45) feet long and a paved outdoor patio of at least one hundred eighty (180) square feet located at the main entrance to the mobile home.
 - C. A greenbelt, at least thirty (30) feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.
 - D. Each mobile home shall be located on a lot having an area of at least 5,000 square feet.
 - E. Each mobile home shall be completely enclosed with skirting.
 - F. Each mobile home park shall be graded and drained so that rain water will not stand in pools or puddles.
 - G. Each mobile home park shall be enclosed by a fence or screen planting so as to provide privacy for the occupants of the park.
 - H. Each street and parking area in any mobile home park shall be bounded by a sidewalk at least four (4) feet wide.
 - I. All minimum street widths in mobile home parks shall be approved as private streets and further comply with the following:

(1) No parking on street	1 way	14 feet
	2 way	24 feet
(2) Parallel parking on side	1 way	20 feet
	2 way	30 feet
(3) Parallel parking both sides	1 way	26 feet
	2 way	36 feet

7. Parking and Street Requirements.

A. All required off-street parking space shall be located not further than two hundred (200) feet from the unit or units for which they are designated.

B. A minimum of two off-street parking spaces must be provided for each mobile home unit space provided within the park. The two-unit space for occupant use must be within the distance from the unit established above. In addition, one (1) space per four (4) mobile home units shall be provided within the park.

8. Permitted Signs. The following signs shall be permitted in the MH District:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such signs may be illuminated.

B. Signs pertaining to the lease or sale of the building or property, provided such sign shall not exceed six (6) square feet in surface area, nor may the outer extremities of the support for such sign exceed more than six (6) feet in height nor more than four (4) feet in width. Such signs shall not be illuminated.

C. A temporary sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign does not exceed four (4) square feet in surface area and is removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional nonilluminated signs not exceeding two (2) square feet in surface area displaying directional information for

churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Public street identification signs, traffic signs, and directional signs in any parking area where such signs are necessary for the orderly movement of traffic.

G. Business signs located in residential zones as nonconforming or home occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated.

H. Unless in compliance with the above regulations, off-premises signs (except political signs) are not permitted.

9. General Sign Regulations. The following sign regulations shall apply to the MH District:

A. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

C. No sign may imitate or resemble an official traffic control sign, signal or device.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.

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, Municipal 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 may be erected on municipal utility structures by written approval of the City.

J. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

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165.32 HC - HIGHWAY COMMERCIAL DISTRICT.

1. Intent. This district is intended to provide for certain areas of the City for the development of service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. The district is further characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.
2. Permitted Uses.
 - A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
 - B. Offices and clinics.
 - C. Churches and publicly owned and operated buildings, facilities, parks, and campgrounds.
 - D. Hotels and motels.
 - E. Any other retail or service sales business, including food preparation for sale off-premises.
 - F. Publicly owned and operated buildings and facilities.
3. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the HC District:
 - A. Private recreational facilities.
 - B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - C. Private garages.
 - D. Parking lots.
 - E. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the HC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Public or private utility substations, relay stations, etc.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HC District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
10,000	80	20	10	20	3 stories or 45 feet

Note: Corner lots shall have two (2) front and two (2) side yards.

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

- A. Sales and service buildings: one (1) parking space per three hundred (300) square feet of gross floor area.
- B. Offices/clinics: one (1) parking space per three hundred (300) square feet of gross floor area.
- C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- D. Public buildings and facilities: one (1) parking space per three hundred (300) square feet of gross floor area or one (1) parking space for each five (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.

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

- A. All activities or uses allowed in the HC 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.

8. Signs. Off-premises and on-premises signs are permitted in the HC District and shall comply with the following regulations:

- A. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage. Signs may be illuminated.
- B. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage, or one per individual business.

- C. Such advertising structure may not contain more than two (2) signs per facing, nor exceed fifty-five (55) feet in total length.
- D. For corner lots, the “frontage” used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
- E. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.
- F. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition.
- G. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- H. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- I. No sign may imitate or resemble an official traffic control sign, signal or device.
- J. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- K. Signs shall not encroach or extend over public right-of-way.
- L. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.
- M. 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, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- N. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- O. Signs may be erected on municipal utility structures by written approval of the City.
- P. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner

of said sign or owner of property thereunder shall remove or repair same.

165.34 BC - CENTRAL BUSINESS COMMERCIAL DISTRICT.

1. Intent. This district is intended to accommodate the major business and office concentration in the City. It is characterized further by a variety of stores and related activities which occupy the central commercial area of the City. This district is intended to be the single central business district of the City and no other use of this district shall be utilized other than contiguously with the currently established BC District. Bulk regulations further reflect a more in time use and development pattern.

2. Permitted Uses. The following uses are permitted in the BC District:

- A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
- B. Offices/clinics.
- C. Hotels and motels.
- D. Publicly owned and operated buildings and facilities.
- E. Hospitals.
- F. Health care facilities.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the BC District:

- A. Outdoor sales and service.
- B. Private garages.
- C. Parking lots.
- D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
- E. Accessory uses customarily incidental to any permitted principal use.

4. Special Exceptions. Certain uses may be permitted in the BC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Service stations.
- B. Warehousing.

- C. Churches or accessory facilities (on or off site).
 - D. Outdoor storage.
 - E. Dwellings.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the BC District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
None	None	None	None	None	3 stories or 45 feet

6. Off-street Parking.
None required.
7. Off-street Loading. The following off-street loading requirements shall apply in the BC District:
- A. All activities or uses allowed in the BC 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.
8. Signs. Off-premises and on-premises signs are permitted in the BC District and shall comply with the following regulations:
- A. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage. Signs may be illuminated.
 - B. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage, or one per individual business.
 - C. Such advertising structure may not contain more than two (2) signs per facing, nor exceed fifty-five (55) feet in total length.
 - D. For corner lots, the “frontage” used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.
 - E. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.

- F. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition.
- G. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- H. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- I. No sign may imitate or resemble an official traffic control sign, signal or device.
- J. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- K. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.
- L. 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, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- M. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- N. Signs may encroach, extend or overhang a public right-of-way but in no instance shall said sign be closer than two (2) feet to the street line.
- O. Signs may be erected on municipal utility structures by written approval of the City.
- P. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.
9. Awnings. It shall be unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk, and the roof or covering is made of duck, canvas, or other suitable material supported by iron frames or brackets securely fastened to the building without any

posts or other device that will obstruct the sidewalk or hinder or interfere with the full passage of pedestrians.

165.36 LI - LIGHT INDUSTRIAL DISTRICT.

1. Intent. This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. Outdoor storage is allowed in this district when the material is enclosed within a fence at least six (6) feet high and said fence being within required building lines. All industrial operations must be in an enclosed building. No residential uses are permitted in this district.
2. Permitted Uses. The following uses are permitted in the LI District:
 - A. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.
 - B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.
 - C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.
 - D. Assembly of appliances and equipment, including manufacture of small parts.
 - E. Wholesale distribution of all standard types of prepared or packaged merchandise.
 - F. Sale and storage of building materials. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least six (6) feet high and said fence being within required building lines.
 - G. Contractors' offices and storage of equipment.
 - H. Public or private utility substations, relay stations, etc.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District.

- A. Accessory buildings and uses customarily incidental to a permitted use.
 - B. Living quarters for watchmen or custodians of industrial properties.
4. Special Exceptions. Certain uses may be permitted in the LI District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the LI District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
10,000	80	30	15	30	3 stories or 45 feet

6. Off-street Parking. The following off-street parking requirements shall apply in the LI District:
- A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
 - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
7. Off-street Loading. The following off-street loading requirements shall apply in the LI District:
- A. All activities or uses allowed in the LI 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.
8. Signs. Off-premises and on-premises signs are permitted in the LI District and shall comply with the following regulations:
- A. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Such structures shall not exceed fifty-five (55) feet in length. No advertising sign may be erected within one hundred (100) feet of a residential district. Such signs may be illuminated.

- B. The total surface area of all business signs on a lot shall not exceed three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the building frontage area or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.
- C. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.
- D. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- F. No sign may imitate or resemble an official traffic control sign, signal or device.
- G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- H. Signs shall not encroach or extend over public right-of-way.
- I. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.
- J. 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, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- K. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- L. Signs may be erected on municipal utility structures by written approval of the City.

M. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

165.38 HI - HEAVY INDUSTRIAL DISTRICT.

1. Intent. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the City, certain uses in the HI District shall be subject to final City Council approval, conditional approval, or denial to insure that proper safeguards are taken. No residential uses are permitted.

2. Permitted Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate City Council approval before a zoning permit is issued:

- A. Acid manufacture.
- B. Cement, lime, gypsum, or plaster of paris manufacture.
- C. Distillation of bones.
- D. Explosive manufacture or storage.
- E. Fat rendering.
- F. Fertilizer manufacture.
- G. Gas manufacture.
- H. Garbage, offal, or dead animals, reduction or dumping.
- I. Glue manufacture.
- J. Petroleum, or its products, refining of.
- K. Smelting of tin, copper, zinc, or iron ores.
- L. Stockyards or slaughter of animals.
- M. Junk yards. Must be surrounded by a solid fence at least six (6) feet high located within building lines and the junk piled not higher than the fence.
- N. Commercial livestock confinements not meeting the definition of "Agricultural."

Before granting such separate approval, the City Council shall refer applications to the Commission for study, investigation and report. If no report is received in thirty (30) days, the City Council may assume approval of the application.

The City Council shall then, after holding a public hearing, consider all of the following provisions in its determination upon the particular use at the location requested:

- (1) That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
- (2) That such use shall not impair an adequate supply of light and air to surrounding property;
- (3) That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
- (4) That such use shall not diminish or impair established property values in adjoining or surrounding property; and
- (5) That such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

3. Required Conditions.

A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to all State and Federal regulations.

B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any "R" District boundary, except where adjoining a railroad right-of-way, and fifty (50) feet from any commercial boundary.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District.

A. Accessory buildings and uses customarily incidental to a permitted use.

B. Living quarters for watchmen or custodians of industrial properties.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
10,000	80	30	15	30	3 stories or 45 feet

6. Off-street Parking. The following off-street parking requirements shall apply in the HI District:
 - A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
 - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
7. Off-street Loading. The following off-street loading requirements shall apply in the HI District:
 - A. All activities or uses allowed in the HI 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.
8. Signs. Off-premises and on-premises signs are permitted in the HI District and shall comply with the following regulations:
 - A. Advertising sign structures shall be limited to one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) for each additional one hundred (100) feet of additional lot frontage. Such structures shall not exceed fifty-five (55) feet in length. No advertising sign may be erected within one hundred (100) feet of a residential district. Such signs may be illuminated.
 - B. The total surface area of all business signs on a lot shall not exceed three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the building frontage area or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.
 - C. No sign shall project higher than six (6) feet above the height of the building, or thirty-two (32) feet above the average grade at the building line, whichever is greater.
 - D. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
 - E. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - F. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

- G. No sign may imitate or resemble an official traffic control sign, signal or device.
- H. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- I. Signs shall not encroach or extend over public right-of-way.
- J. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air or access to any building or structure.
- K. 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, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- L. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- M. Signs may be erected on municipal utility structures by written approval of the City.
- N. Upon notification by the City Council or Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of property thereunder shall remove or repair same.

SUPPLEMENTARY DISTRICT REGULATIONS**165.40 SUPPLEMENTARY DISTRICT REGULATIONS.**

1. **Building Lines on Approved Plats.** Whenever the plat of a land subdivision approved by the Zoning Commission and on record in the office of the County Recorder shows a building line along any 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 unless specific yard requirements in this chapter require a greater setback.
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 so located on lots 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/Structures.** No accessory building/structure may be erected in any required front yard and no separate accessory building/structure may be erected within five (5) feet of a main building. No accessory building/structure shall be closer than five (5) feet to the rear or side lot line. Accessory buildings/structures located in the rear yard may not occupy more than thirty (30) percent of the rear yard. No accessory building/structure shall be used without occupancy of the principal building. If a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be fifteen (15) feet. No accessory building shall exceed fifteen (15) feet in height.
5. **Fences.** No fence more than four (4) feet high may be located on any part of a lot except fences less than seven (7) feet high may be erected on those parts of a lot that are as far back or further back from a street than the main building. Higher fences may be allowed by special exception only. The front side (or good side) of the fence will face the neighbor, and the back side of the fence will face the property of the owner who has applied for the building permit to erect the fence. Zoning

Administration will be the board that deems if a survey is needed to define property lines. The survey will be done at the property owner's expense.

6. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from the height regulations provided in specific district regulations.

7. Projections. Sills, belt courses, cornices, and ornamental features may project only two (2) feet into a required yard.

8. Fire Exits and Chimneys. 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 three and one-half (3½) feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning Administrator.

9. Porches. Open, unenclosed porches may extend ten (10) feet into a front yard.

10. Terraces/Decks. Terraces/decks which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are distant at least six (6) feet from the adjacent side lot line. Multiple levels are allowed at or below the ground floor elevation. Terraces/decks may project ten (10) feet into the required front yard. No terraces/decks, subject to this subsection, shall have a permanent roof-type structure.

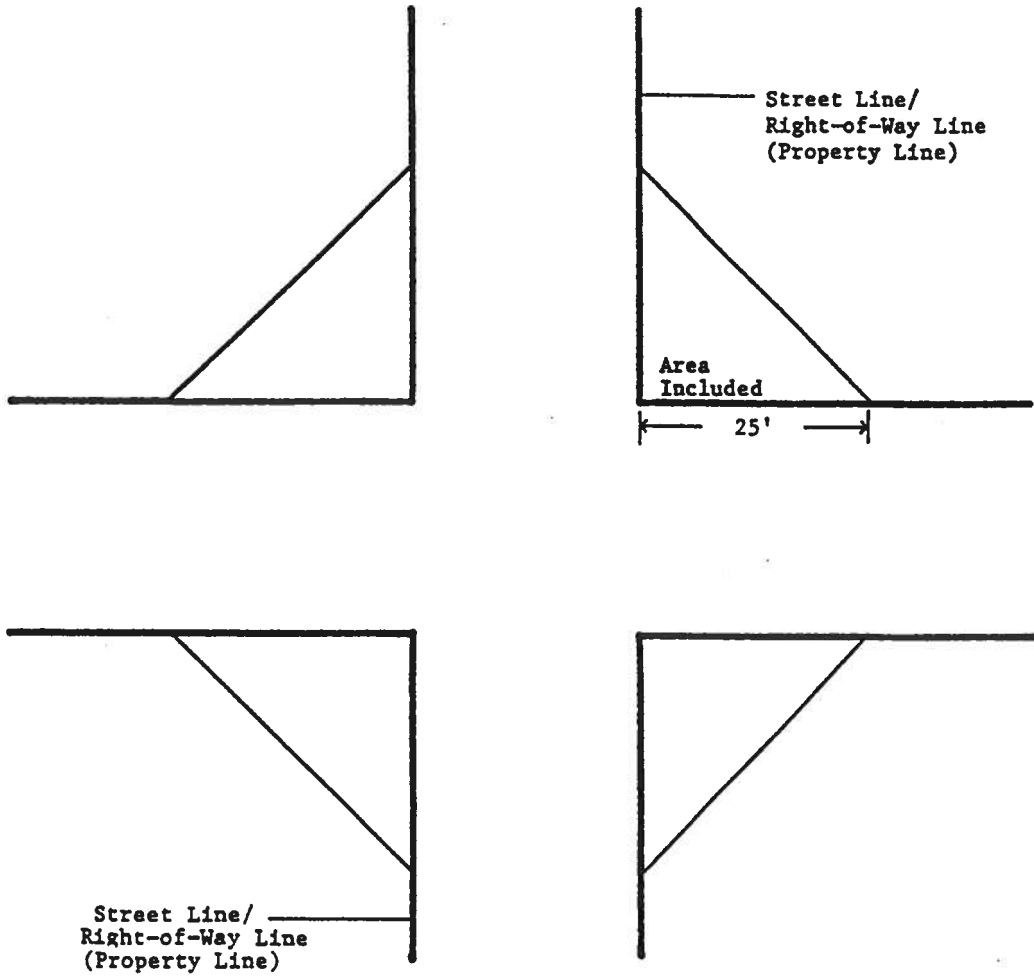
11. Service Lines. Nothing in these regulations shall have the effect of prohibiting utility service lines.

12. 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 (3) and ten (10) 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 (25) feet from the point of the intersection (see Diagram on following page).

13. Parking Spaces. All vehicular parking spaces located in required front yards shall be a minimum of ten (10) feet in width and be surfaced with gravel, concrete, or asphalt.

DIAGRAM

Corner Lots — Yards and Visibility



14. Swimming Pools. Private swimming pools shall be allowed only in rear yards and shall not be allowed in front or side yards. All above-ground swimming pools over twenty-four (24) inches in height must have a fence of not less than forty-eight (48) inches in height from ground level and shall be equipped with a self-locking gate across any opening or removable ladder, so as to render the swimming pool inaccessible when the swimming pool is not in use. All swimming pools and fences must be granted a permit by the Council before construction begins.

15. Satellite Dishes. Satellite dishes less than two (2) meters in diameter are not regulated by this chapter. Satellite dishes larger than 2 meters in diameter shall be allowed in all districts except in front yards. The placement of such satellite dish antennas, either permanent or temporary, shall be treated as accessory structures. When such dish is attached to a main building or other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of twelve (12) feet except for commercial use.

16. Planned Unit Development. The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Council of the City of Zearing, Iowa, a plan for the use and development of the entire tract of land. The development shall be referred to the Planning Commission for study and report and for public hearing. If the Commission approves the development plan, the plan, together with the recommendation of the Commission, shall then be submitted to the City Council for consideration and approval. If the City Council approves the plan, a zoning/building permit may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plans do not conform in all respects to the district regulations of the district in which it is located except as follows:

- A. Only uses permitted in the "R" Districts shall be permitted.
- B. The average lot area per family contained in the proposed plan, exclusive of the area occupied by right-of-way, will not be less than the lot area per family required in the district in which the development is located.
- C. Said area shall then be designated on the Official Zoning Map.

ADMINISTRATION

165.50 ADMINISTRATION AND ENFORCEMENT. A Zoning Administrator designated by the City Council shall administer and enforce these regulations. The Administrator may be provided with the assistance of such other persons as the City Council may direct.

165.51 ZONING/BUILDING PERMIT REQUIRED. No building, fence, driveway, sidewalk or other structure or portion thereof, including signs, shall be erected, moved, demolished, or added to, without a zoning/building permit therefor issued by the Zoning Administrator. These permit requirements shall not apply to real estate or political signs. No zoning/building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for zoning/building permits shall be as provided by Council resolution. Zoning/building permits shall be applied for with the City Clerk and shall expire two (2) years after the date of issuance if work is begun within one hundred eighty (180) days of issuance or after one hundred eighty (180) days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning Administrator for good cause.

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

1. The minimum width of a dwelling structure or principal building shall be twenty-two (22) feet at the exterior dimension of three (3) or more exterior walls, exclusive of attached garages, porches or other accessory structures.
2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.
3. All dwelling units shall provide for a minimum of nine hundred (900) square feet of floor space.

165.53 COMMERCIAL INDUSTRIAL STANDARDS. All commercial and industrial buildings shall be placed on a permanent frost-free foundation.

165.54 ZONING COMMISSION. In order to avail itself of the powers conferred by this chapter, the Council shall provide for a Zoning Commission.

Such Commission shall, with due diligence, prepare reports and hold public hearings on issues under this chapter and such Council shall not hold or take action until it has received the report or reports of such Commission.

BOARD OF ADJUSTMENT**165.60 BOARD OF ADJUSTMENT; ESTABLISHMENT AND PROCEDURE.**

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members. 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 chapter. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson or, in that person'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. 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 Administrator.

165.61 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 an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Zearing affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator, and with the Board a notice of

appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City thereof, and decide the same within thirty (30) days. At said hearing, any party may appear in person, by agent or by attorney.

C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning 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 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 these regulations; 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) days nor more than twenty (20) days public notice in a paper of general circulation in the City thereof, and decide the same within thirty (30) days.

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

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.

B. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days nor more than twenty (20) days public notice in a paper of general circulation in the City thereof, and decide the same within thirty (30) days.

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

D. The Board of Adjustment shall make findings that requirements of Section 165.61 have been met by the applicant for a variance.

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 these regulations and punishable under this chapter. The variance shall become effective upon receiving in the office of the County Recorder and the copy filed with the City Clerk. These recording costs shall be paid for by the applicant.

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.

E. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning 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.

165.62 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any board, 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 and particularly by Chapter 414, Code of Iowa.

ENFORCEMENT AND AMENDMENTS

165.70 ADMINISTRATION. All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, or that person's assistant, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

165.71 AMENDMENTS. 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.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. 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, the 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 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 (200) 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 ($\frac{3}{4}$) 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 ($\frac{3}{4}$) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.

165.72 PENALTIES FOR VIOLATION. Failure to comply with the provisions of this chapter or with any of its requirements (including violations

of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a violation of this chapter. 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.

165.73 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 Administrator, and the City Clerk, and may be altered or amended only by the City Council, as recommended by the Planning and Zoning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

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

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CHAPTER 166

SUBDIVISION CONTROL

166.01 Purpose	166.07 Final Plat and Accompanying Material Requirements
166.02 Jurisdiction	166.08 Fees
166.03 Definitions	166.09 Variations and Exceptions
166.04 Procedure	166.10 Enforcement
166.05 Subdivision Design Standards	166.11 Changes and Amendments
166.06 Preliminary Plan Requirements	

166.01 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

166.02 JURISDICTION. In accordance with the provisions of Chapter 354 of the Code of Iowa and mandatory acts thereto, these regulations are adopted by the City governing the subdivisions of all lands within the corporate limits of the City and governing subdivisions of all lands within two (2) miles of the corporate limits.

166.03 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined.

1. "Access street" means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
2. "Block" means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets, highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
3. "Building line" means that building lines shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by regulations. Such building lines shall not be less than required by the zoning regulations. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.

4. “City Engineer” means the City Engineer, consulting engineer, or any other agent of the City designated to fulfill the function of City Engineer with respect to these regulations.
5. “Collector streets” means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
6. “Commission” means the Planning and Zoning Commission of the City of Zearing, Iowa.
7. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-around.
8. “Easement” means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the Grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
9. “Engineer” means a registered engineer authorized to practice civil engineering as defined by the registration act of the State of Iowa.
10. “Half Street” means a one-half width street right-of-way on the boundary of a subdivision dedication by the subdivider to the City; for future development when another subdivision is platted along the side of the half street. Half streets are not permitted.
11. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or building development.
12. “Major thoroughfare” means a street used primarily for fast, large volume traffic.
13. “Minor Street” means a street used primarily for access to the abutting properties.
14. “Performance Bond” means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by these regulations. Said cost being estimated by the City Engineer and said surety bond or cash deposit being legally

sufficient to secure to the City that said improvements will be constructed in accordance with these regulations.

15. "Plat" means a map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends to be in final form to record.

16. "Roadway" means that portion of the street available for vehicular traffic and where curbs are laid, the portion from back to back of curbs.

17. "Subdivision" means the division of land into three (3) or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or, any change in existing street lines or public easement. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

18. "Surveyor" means a registered surveyor authorized to practice surveying, as defined by the registration act of the State of Iowa.

166.04 PROCEDURE. Subdivision approval procedure is as follows:

1. Submission. Whenever the owner of any tract or parcel of land within the jurisdiction of these regulations wishes to subdivide or plat the same, the owner shall cause to be prepared a preliminary plat of said subdivision, and shall submit three (3) copies of said preliminary plat and other information to the Clerk. The preliminary plat shall contain such information and data as is outlined in Section 166.06.

2. Referral. The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. The City Engineer shall carefully examine said plat as to its compliance with the regulations of the City, the existing street system, and good engineering practices, and shall, as soon as possible, submit the findings to the Commission.

3. Commission Review and Recommendation. After receiving the City Engineer's report, the Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by the subdivider. Before approving a preliminary plan, the Commission may, at its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to

affected property owners by mail. Such notice shall be given within seven (7) days prior to the public hearing. The Commission shall file with the Council recommendations for approval or rejection of such preliminary plat within forty-five (45) days after the date of submission of said plat to the Commission. Upon receiving recommendations of the Commission, the Council shall consider the same and if the plat is found to conform to the provisions of these regulations, the Council shall approve the preliminary plat.

4. **Effective Period of Preliminary Plat Approval.** The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within one hundred eighty (180) days after the date of said preliminary plat approval.

5. **Approval of Final Plat.** Approval of the final plat and final acceptance of improvements shall be given by resolution of the Council which shall direct the Mayor and Clerk to certify the resolution which shall be affixed to the plat. Procedure for approval of the final plat shall be as outlined in Section 166.05(5).

166.05 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

1. **Streets.** Street design standards are as follows:

A. **Comprehensive Plan.** All proposed plats and subdivisions shall conform to the comprehensive plan if adopted. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.

B. **Continuation of Existing or Planned Streets.** Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are a part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than fifty (50) feet in width, and in similar alignment, unless variations are recommended by the Commission.

C. **Circulation.** The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will

eventually be extended beyond the plat, but is temporarily dead-ended, an interim turn-around may be required.

D. Street Intersections. Street intersections shall be as nearly at right angles as possible.

E. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turn-around having a street property line diameter of at least one hundred five (105) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turn-around and the lead-in portion of the street shall be rounded at a radius of not less than fifty (50) feet; or equal straight approach lines. A turn-around diameter greater than one hundred five (105) feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.

F. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplications or close similarity of names.

G. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

H. Half Street. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

I. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for offstreet loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

J. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any

stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City and easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and for the purpose of installation of public utilities. The waterway easement shall be approved by the City Engineer. The total width of the easement shall be adequate to provide for these purposes, and said easement shall be a minimum of fifty (50) feet on each side of the centerline of the stream or water course.

K. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

L. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

M. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street shall provide motor access to such frontage by one of the following means:

- (1) A parallel street supplying frontage for lots backing onto the traffic way.
- (2) A series of cul-de-sac or short loops entering from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
- (3) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
- (4) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means shall prevent any private residential driveways from having direct access to the traffic way.

N. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

O. Railroads. If a railroad is involved, the subdivision plan should:

- (1) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial, or industrial use.
- (2) Provide cul-de-sac at right angles to the railroad so as to permit lots to back there unto.

P. Street Widths. The minimum width for streets shall be as follows:

- (1) Collector streets or secondary thoroughfares:

Right-of-way	Seventy (70) feet
Roadway	Thirty-one (31) feet
- (2) Minor Streets:

Right-of-way	Fifty (50) feet
Roadway	Twenty-five (25) feet

Q. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent (6%) for main and secondary thoroughfares, or ten percent (10%) for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to twenty (20) times the algebraic difference between the rates of grades, or greater, if deemed necessary to the City Engineer; for minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City Engineer.

2. Blocks. Block design standards are as follows:

A. Length. No block shall be longer than one thousand three hundred and twenty (1,320) feet. The one thousand three hundred and twenty (1,320) feet distance may be reduced by the City if it is considered to be excessive in its particular application.

B. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15)

feet; unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.

3. Lots. Lot design standards are as follows:
 - A. Minimum Residential Lot Requirements. The minimum residential lot requirements for all areas not presently zoned are as follows:
 - (1) Lot width: Fifty (50) feet
 - (2) Lot length: One hundred (100) feet
 - (3) Lot area: Five thousand (5,000) square feet
 - (4) Front yard setback: Twenty-five (25) feet
 - (5) Side yard setback: Five (5) feet
 - (6) Rear yard setback: Ten (10) feet
 - B. Corner Lots - Widths. Corner lots shall have a minimum width of sixty (60) feet in order to permit adequate building setbacks on both front and side streets.
 - C. Double Frontage Lots - Prohibited. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway or except in the case of large commercial industrial lots.
 - D. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets.
 - E. Lot Size - Public Sewer Not Available. For the purpose of complying with minimum health standards, lots which can not be reasonably serviced by an existing public sanitary sewer system shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.
4. Improvements. Required improvements are as follows:
 - A. General. The subdivider shall install and construct all improvements required by these regulations. All required improvements shall be installed and constructed in accordance with "Specifications for New Subdivision Improvements" on file in the office of the Clerk, under the supervision of the Council, and to its satisfaction. Inspection shall be provided by the City, at the subdivider's expense, as deemed necessary to assure quality workmanship on all portions of the construction to be dedicated

to the City. Said inspection costs shall be paid by the subdivider before final approval will be given.

B. Grades. All streets, alleys, and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.

C. Sidewalks. Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be a minimum of four (4) feet in width and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the Council and at grades approved by the City Engineer.

D. Water and Sewers. Water mains, sanitary sewer lines, and storm sewers and their appurtenances shall be constructed and installed in accordance with the plans and specifications adopted by the Council. Water and sewer lines shall be made accessible to each lot.

E. Utilities. The subdivider shall make necessary arrangements for the installation of all utilities, electrical, telephone, etc. All utilities shall be constructed underground. All utility plans must be approved by the Council.

5. Approval of Final Plat, and Final Acceptance of Improvements. Provisions for the final approval and acceptance of the final plat and improvements are as follows:

A. Construction of Improvement or Posting of Bond. Before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City; and the City Attorney shall report that the subdivision owner has filed in proper form a maintenance bond (or bonds) to cover all construction being dedicated to the City. Maintenance bonds shall be in the name of contractors who have done the work. Maintenance bonds shall be in effect from passage of resolution of acceptance by the Council, then for the following number of years:

Concrete paving - four (4) years

Graded stone base and seal coat - two (2) years

Storm sewers and appurtenances - two (2) years

Sanitary sewers and appurtenances - two (2) years

Water mains and appurtenances - two (2) years

Sidewalks - four (4) years

These requirements for the construction of all improvements may be waived, if the subdivider will post a performance bond or certified check with the Council guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after all construction has been completed all in accordance with the rules above outlined. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

B. Resubdivisions. The Council may waive the requirements for the construction and installation of some or all of the foregoing improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

166.06 PRELIMINARY PLAN REQUIREMENTS. The preliminary plan of a subdivision is not intended to serve as a record plan. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or representative, may call at the City offices in advance of the preliminary plan in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plan.

1. Number of Copies and Scale. Three (3) copies of the preliminary plan shall be submitted as prescribed for review. The scale of the map shall be one inch equals fifty (50) feet on small subdivisions, and one

inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.

2. Contents of Preliminary Plan. Preliminary plan contents are as follows:

- A. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
- B. Name and address of recorded owner and of developer.
- C. Name and address of engineer and/or land surveyor.
- D. Existing building, railroads, underground utilities, and other right-of-way.
- E. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
- F. Location and names of adjoining subdivisions and the names of the owners of adjoining acreage parcels.
- G. Proposed lot lines with approximate dimensions and the square foot area of nonrectangular lots.
- H. Areas dedicated for public use, such as schools, parks and playgrounds.
- I. Contour lines at intervals of not more than five (5) feet.
- J. Building setback lines.
- K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
- L. Zoning classification of the area.
- M. Proposed utility service.
 - (1) Source of water supply.
 - (2) Provision for sewage disposal.
 - (3) Provision for storm water drainage.
- N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
- O. Lot numbers.
- P. Proposed street widths.

3. Accompanying Material. An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner as

shown on the plat and showing any encumbrances that may exist against said land.

Any plat that can not reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

166.07 FINAL PLAT AND ACCOMPANYING MATERIAL REQUIREMENTS. Final plat requirements are as follows:

1. Number of Copies and Scale. When and if the preliminary plan is approved, the subdivider shall submit six (6) copies of the final plat for review by the Commission. The scale of the map shall be one inch equals fifty (50) feet on small subdivisions, and one inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.
2. Contents of Final Plat. Contents of the final plat are:
 - A. Name of subdivision.
 - B. Scale.
 - C. Compass point.
 - D. Curve data including delta angle, length of arc, degree of curve, tangent.
 - E. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles.
 - F. Exact name, location, width, lot designation, and center line of all streets within the subdivision.
 - G. Easements for public utilities showing width and use intended.
 - H. Building setback lines with dimensions.
 - I. Official legal description of the property being subdivided.
 - J. Lot numbers.
 - K. Certification of registered engineer and/or land surveyor.
 - L. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.
 - M. The final plat shall be an exact duplicate of that plat proposed to be filed for record in the County Recorder's Office.

3. Accompanying Material. The following material shall accompany the final plat:

A. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.

B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

C. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.

D. The following certificates:

(1) A statement by the owner and spouse, if any, that the subdivision is with the owners' free consent and is in accordance with the desire of the owners. This statement must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds.

(2) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds.

(3) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances.

(4) Resolution and certificate for approval by the Council and signature of the Mayor and Clerk.

(5) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the

certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

(6) The performance bond and maintenance bond, if any.

166.08 FEES. Before a preliminary plat may be considered by the Commission, the subdivider or the agent shall deposit with the City Treasurer a fee of ten (\$10.00) dollars.

166.09 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Council, upon recommendations of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area is protected and the general intent and spirit of these regulations is preserved.

166.10 ENFORCEMENT. No plat or subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in a manner prescribed herein. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance of any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision and streets have been approved in accordance with the provisions contained herein, and accepted by the Council as a public street.

166.11 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.