

ZONING AND SUBDIVISION

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CHAPTER 165

ZONING REGULATIONS

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165.01 INTENT AND PURPOSE. This chapter is adopted for the following reasons:

1. To provide the citizens of the City with adequate light, pure air, and safety from fire and other dangers; to conserve the value of land and buildings; to reduce traffic congestion in the public streets; and to promote the public health, safety, comfort, convenience, morals, and general welfare.
2. To promote the character and stability of residential, business, and manufacturing areas within the City; and to promote the orderly and beneficial development of such areas.
3. To preserve the aesthetic quality of the City and its historic and cultural areas.
4. To establish rules and regulations leading to the attaining of these objectives by adopting a zoning ordinance which will create districts within the City and provide for:
 - A. Limits on the intensity of the use of land and buildings.
 - B. Regulation of off-street parking facilities.
 - C. Administration and enforcement.
 - D. Penalties for violation.
 - E. The procedure, powers and duties of the Board of Adjustment, Planning and Zoning Commission and City Council.

165.02 DEFINITIONS. For the purpose of this chapter, the following terms and words are defined. The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."

1. "Accessory use or structure" means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.
2. "Adjacent property" means any parcel of land or any portion thereof which is located within 300 feet from the boundaries of the property in question, measured exclusive of public streets and alleys.
3. "Board of Adjustment" means the Board established in Section 165.34 of this chapter.
4. "Administrative officer" means the individual designated by this chapter to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by this chapter. This person is referred to as the Zoning Administrator.
5. "Agriculture" means the use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, silviculture, fish farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, such accessory uses shall be secondary to that of normal agricultural activities; and provided further, the enumerated uses shall not include the commercial feeding of garbage or offal to swine or other animals.
6. "Alley" or "lane" means a public or private way not more than 30 feet wide affording a secondary means of access to abutting property and not intended for general traffic circulation.
7. "Alteration, structural" means any change in the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders. The enlargement of the size or height of a building shall be construed to be a structural alteration.
8. "Apartment house" – see "dwelling, multiple."
9. "Automobile salvage yard" – see "junk yard."
10. "Basement" means a story having part but not more than half its height below grade. A basement is counted as a story for the purpose of height regulations.
11. "Bed and breakfast establishment" means a dwelling containing not more than three guest rooms held for rent:
 - A. In which not more than six guests in total may be accommodated at any one time.
 - B. In which a guest may not stay more than seven consecutive days during any 30-day period.
 - C. In which no meals other than breakfast may be served to the guests.

A single, non-electric exterior wall sign having an area not to exceed four square feet may be posted identifying the name of the establishment and giving its telephone number.

12. "Billboard" includes all structures (regardless of the material used in the construction) erected, maintained, or used for public display of posters, painted signs, wall signs (whether the structure be placed on the wall or painted on the wall itself), pictures and/or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which the sign or billboard is located.

13. "Block" means the property abutting on one side of the street and lying within the two nearest intersecting streets or an unsubdivided acreage.
14. "Boarding house" means a building other than a hotel where, for compensation, meals or lodging and meals are provided for three or more persons.
15. "Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards.
16. "Building, principal" means a building in which the principal use of the lot is conducted.
17. "Building, height of" means the vertical distance from the average natural grade to the highest point of a coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
18. "Building Official" means an agent so designated by the Council.
19. "Bulk stations" means distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than 12,000 gallons.
20. "Business or commercial" refers to the engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.
21. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this chapter, a carport attached to a principal building shall be considered part of the principal building and subject to all yard requirements.
22. "Cellar" means that portion of a building having more than half its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
23. "Clinic" means a building or buildings used by physicians and/or dentists, osteopaths, chiropractors, and similar professions in the provision of out-patient care.
24. "Commission" means the Planning and Zoning Commission appointed by the Council under the authority of Section 414.6 of the *Code of Iowa*.
25. "Common sewer system" means a central sewer collecting system available to platted lots and discharging into a treatment plant.
26. "Common water system" means a central water supply system available from one single source to platted lots.
27. "Conditional use" means a use not in conformity with the provisions of this chapter but which may be allowed with proper safeguards.
28. "Confinement feeding operations" means any laying, nursing, farrowing, or finishing operation which is conducted within a building or structure with a central waste collection system.
29. "Court" means an open, unobstructed, and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot.

30. "Curb level" means the main level of the curb or the established curb grade in front of a lot.
31. "Day nursery or nursery school (private or public)" means any agency, institution, establishment or place which, for compensation, provides supplemental parental care and/or educational training for six or more unrelated children of pre-school age.
32. "District" means a section or sections of the City within which certain uniform regulations and requirements govern the use of buildings and premises or the height and areas of buildings and premises.
33. "Drinking establishment" refers to a business where the predominant activity relates to the sale of alcoholic beverages for consumption on the premises. For the purpose of this chapter, bars, beer parlors, night clubs, and taverns are considered to be drinking establishments.
34. "Dump" means a premises used for the disposal of "clean" type of fill material, such as dirt, rocks, and similar materials, but not including organic matter such as garbage or animal carcasses.
35. "Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, or mobile home.
36. "Dwelling, condominium" means a multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.
37. "Dwelling, multiple" means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.
38. "Dwelling, multiple elderly" means a group of residences designed for elderly occupants and having special site development considerations distinct from multiple dwellings occupied by all age groups.
39. "Dwelling, row" means any one of three or more attached dwellings in a continuous row each designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
40. "Dwelling, single-family" means a detached residence designed for and occupied by only one family. The minimum dimension of the principal portion of such building shall not be less than 20 feet.
41. "Dwelling, two-family" means a residence designed for and occupied by only two families with separate housekeeping and cooking facilities for each.
42. "Dwelling unit" means a room or group of rooms which are arranged, designed, or used as living quarters for the occupancy of one family and containing bathroom and kitchen facilities.
43. "Family" means one or more persons occupying a single dwelling unit, but unless all members are related by blood, marriage or adoption, no single family shall contain more than four persons.
44. "Farm" means an area comprising 35 or more contiguous acres which are used for agricultural purposes.
45. "Farmstead" means the buildings and adjacent service areas of a farm.

46. "Feed lot" means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, or sheep. A commercial feed lot is a feed lot, as defined by the Environmental Protection Commission, or in which the livestock on feed are owned by someone other than the owner of the feed lot.
47. "Fill" means the placing, storing, or dumping of any material such as earth, clay, sand, rubble, concrete, or waste of any kind upon the surface of the ground which results in the raising of the natural surface elevation.
48. "Floodplain" or "flood prone area" means the area adjoining a river or stream which has been or may be subjected to flood water.
49. "Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any river or stream as defined by the Environmental Protection Commission.
50. "Floor area" means the sum of gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings.
51. "Floor area ratio" means the aggregate floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
52. "Foster child care" means care and education of not more than five children unrelated to the residents by blood or adoption.
53. "Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
54. "Garage, private" means an enclosed structure intended for the parking of the private motor vehicles of the families residing upon the premises.
55. "Garage, public" means any building or premises, except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
56. "Garage, storage" means any building or premises used only for the housing of motor-driven vehicles pursuant to advance arrangements and not to transients, and at which automobile fuels and oils are not sold, nor are motor vehicles equipped, repaired, hired, or sold.
57. "Gasoline filling station" means any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, anti-freeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and the making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles; and for the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined as spray painting, body, fender, clutch, transmission, differential axle, spring, and frame repairs; the major overhauling of engines requiring removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; and the complete recapping or re-treading of tires.

58. "Grade" means the average elevation of the finished surface of the ground adjacent to the exterior walls of the building.
59. "Grain elevator" means a structure or group of related structures used primarily for the receiving, processing, storage, drying, and transporting of bulk grain.
60. "Home occupation" means a secondary use carried on entirely within a residence with no evidence from outside the residence that such occupation is being conducted on the premises; with no signs or displays, or excessive noise, odors, electrical disturbances, or traffic generation; with no more than one part-time nonresident employee; and with not more than one-fourth of the floor area of any one floor devoted to such use.
61. "Home office combination" means any use, occupation, business, or profession carried on within a residence that is not a home occupation.
62. "Hotel" means a building (as distinguished from a boarding house, rooming house, or bed and breakfast establishment) in which lodging is provided and offered to the public for compensation and which is open to transient guests.
63. "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
64. "Junk or salvage yard" means any area where waste, discarded or salvaged material or equipment is bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards, and places or yards for the storage of salvaged building materials and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental and necessary to manufacturing operations, and not including contractors' storage yards.
65. "Kennel, dog" means any lot on which four or more dogs, six months of age or older, are kept.
66. "Lodging house" means a building (as distinguished from hotels open to transients) or place where lodging or boarding is provided for compensation for three or more, but not exceeding 20 individuals, and which is not open to transient guests.
67. "Lot" means a parcel of land of sufficient size to meet minimum zoning requirements for use and area to provide yards and other open spaces as are herein required. Each lot shall have frontage on a public street or 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 and portions of lots of record.
 - D. A parcel of land described by metes and bounds, provided in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.
68. "Lot area" means the total horizontal area within lot lines.
69. "Lot, corner" means a lot abutting upon two or more streets at their intersection.

70. "Lot, depth of" means the mean horizontal distance between the front and rear lot lines.
71. "Lot, double frontage" means a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
72. "Lot, interior" means a lot other than a corner lot.
73. "Lot lines" are the lines bounding a lot.
74. "Lot line, front" means the line separating the lot from the street on which it fronts.
75. "Lot line, rear" means the lot line opposite and most distant from the front lot line.
76. "Lot line, side" means any lot line other than a front or rear lot line.
77. "Lot of record" means a lot which is a 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 recorded.
78. "Lot, reversed frontage" means a corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear.
79. "Lot, width" means the width of a lot measured at the building line and at right angles to its depth.
80. "Lumber yard" means a premises on which primarily new lumber and related building materials are sold.
81. "Manufactured home" means a factory-built single-family structure which meets the construction and safety standards of 42 U.S.C. Section 5403, and is used as a place for human habitation, but is neither constructed nor equipped with a permanent hitch or other device allowing it to be moved other than that required to transport the home to a permanent site, and does not have wheels or axles permanently attached to its body or frame. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling.
82. "Mobile home" means any vehicle without motive power manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons. It also includes any such vehicle with motive power not registered as a motor vehicle in Iowa.
83. "Mobile home park" means any lot or portion of a lot upon which two or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
84. "Modular home" means a factory built structure which is manufactured or constructed to be used as a place for human habitation, but which is neither constructed nor equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have wheels or axles permanently attached to its body or frame.
85. "Motel," "auto court" or "motor lodge" means a building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists with parking facilities conveniently located near each such unit, and which may include such accessory facilities as a swimming pool, restaurant, meeting rooms, etc.

86. "Nonconforming use" means the lawful use of any building or land that was established prior to or at the time of passage of the zoning ordinance codified herein or amendments thereto which does not conform after the passage of such ordinance or such amendments with the use regulations of the district in which it is situated.
87. "Nursing or convalescent home" means a building or structure having accommodations for and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including those suffering from mental illness, a contagious disease, or inebriety.
88. "Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill or other analogous structure or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
89. "Office" means a place in which services, clerical work and professional duties are carried out; for purposes of this chapter, an office is not a place where chattels, goods, wares, or merchandise are created, sold, or exchanged.
90. "Official flood prone area map" means the official flood prone area map on file in the office of the Clerk which delineates the floodplain within the City.
91. "Official zoning map" means the official zoning map on file in the office of the Clerk, and all references hereafter to the official map mean the map just referred to and which by this reference is made a part of this chapter.
92. "Outside storage areas" means any open land or area used for the purpose of storage of any product or part of a product, either before, during or after manufacture, servicing or repair, and not displayed for retail sale. This does not include open sales areas.
93. "Parking lot" means a parcel of land devoted to unenclosed parking spaces.
94. "Parking space" means an area of not less than 200 square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering incidental to parking or moving out of the parking space shall not encroach upon any public right-of-way.
95. "Pavement" or "paving" means the pavement structure or the upper surface of a pavement structure or the materials of which the pavement structure is constructed.
96. "Pavement structure" means the combination of sub-base, base course and surface course placed on a sub-grade to support the traffic load and distribute it to the roadbed.
97. "Porch, unenclosed" means a roofed projection which has no more than 50 percent of its outside wall area enclosed by a building or by siding material other than meshed screens.
98. "Principal use" means the main use of land or structures as distinguished from an accessory use.
99. "Regulatory flood" means a flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be

expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.

100. "Regulatory flood protection elevation" means the elevation to which uses regulated by this chapter are required to be elevated or flood-proofed.

101. "Retail store" means an enterprise offering goods and merchandise for sale to the ultimate consumer for direct consumption and not for resale.

102. "Right-of-way" means the land area the right to possession of which is secured or reserved by the contracting authority for road purposes.

103. "Road" means all property intended for use by vehicular traffic and which is dedicated or intended for a public or private road, street, alley, highway, freeway or roadway purposes.

104. "Roadbed" means the area of the roadway between the tops of fore-slopes.

105. "Road line" means a dividing line between a lot, tract or parcel of land and a contiguous road.

106. "Roadside" means the area within the right-of-way and outside the shoulder lines of a roadbed.

107. "Roadside stand" means a readily movable structure used seasonally for the sale of agricultural products or other products grown or produced on the premises.

108. "Rooming house" means a building (as distinguished from hotels open to transients) where lodging is provided for compensation for three or more, but not exceed 20 individuals and which is not open to transient guests.

109. "Sanitary landfill" means land utilized for the disposing of solid wastes in accordance with the rules and regulations of the Environmental Protection Commission.

110. "Shop" means a small retail store devoted primarily to the sale of a service if the service is performed on the premises or the sale of a product or products. Packaging is not to be considered preparation.

111. "Shoulder" means that portion of the roadbed contiguous with the traveled way for accommodation of stopped vehicles, emergency use, and lateral support of base and surface courses.

112. "Sign, exterior" means a sign which directs attention to a business, profession, service, product, or activity sold or offered on the premises on which the sign is located; and a sign attached flat against a building or structure, or projecting out from a building or structure, or erected upon the roof of a building or structure.

113. "Sign, free standing or post" means any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered, or goods sold or produced on the premises by an occupant thereof.

114. "Sign, illuminated" means a sign designed to give forth artificial light through translucent material from a source of light within such sign, including but not limited to, neon and exposed lamp signs.

115. "Sign, off-site" means a sign other than an on-site sign.

116. "Sign, on-site" means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

117. "Stable, private" means a building or structure used or intended to be used for housing horses belonging to the owner of the property for non-commercial purposes.

118. "Stable, public" and "riding academy" means a building or structure used or intended to be used for the housing of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.

119. "Stable, riding club" means a building or structure used or intended to be used for the housing of horses by a group of persons for non-commercial purposes.

120. "Story" means 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.

121. "Story, half" means a space under a sloping roof which has the line of intersecting roof decking and wall face not more than four feet above the top floor level.

122. "Street line" means a dividing line between a lot, tract, or parcel of land and a contiguous street.

123. "Street, road, drive or entrance, private" means all property intended for use by vehicular traffic, but not dedicated to the public or controlled and maintained by a political subdivision.

124. "Street, road, drive or entrance, public" means all property intended for use by vehicular traffic which has been dedicated to the public or deeded to a political subdivision.

125. "Structural alterations" means any replacement or changes in the construction or in the supporting members of a building, such bearing walls or partitions, columns, beams, or girders, beyond ordinary repairs and maintenance.

126. "Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, "structure" includes buildings, mobile homes, billboards, and poster panels.

127. "Tea room" means a dining establishment open by reservation only:

A. In which not more than 30 guests may be accommodated at any one time, and

B. For which dining is confined to the hours between 10:00 a.m. and 10:00 p.m.

A single, non-electric exterior wall sign having an area not to exceed four square feet may be posted identifying the name of the establishment and giving its telephone number.

128. "Travel trailer" or "motor home" means a vehicle customarily used for vacation or recreational purposes, defined and licensed in accordance with Chapter 321 of the *Code of Iowa*.

129. "Truck terminal" means a commercial facility where truck freight is stored, handled and dispatched between various locations by way of different major truck

carriers and including facilities for the storage and repair of trucks and trailers while awaiting consignment.

130. "Use" means any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure, or on a tract of land.

131. "Variance" means a legal modification or variation of the provisions of this chapter as applied to a specific piece of property as distinct from rezoning.

132. "Veterinary hospital or clinic" means a building or structure where diagnosis, care, and treatment is provided for animals.

133. "Yard" means an open space on the same lot with a building or structure which is unoccupied and unobstructed by any portion of a structure more than 30 inches above the general ground level of the graded lot. 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. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

134. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the nearest building and any projections of it (including roof overhangs.)

135. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the nearest building and any projections of it (including roof overhangs) other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the opposite end of the lot from the front yard.

136. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building and any projections of it (including roof overhangs).

137. "Zoning Administrator" means the administrative officer designated or appointed by the Council to administer and enforce the regulations contained in this chapter.

138. "Zoning permit" means a permit issued by the Zoning Administrator authorizing the use of the land in the manner and for the purpose specified in the application.

165.03 INTERPRETATION OF STANDARDS. In their interpretation and application the provisions of this chapter shall be held to be minimum requirements. If this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.

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

A-1	Agricultural District
R-1	Residence District
R-2	Multiple Residence District
R-MH	Planned-Mobile Home District
C-1	Commercial District
C-2	Commercial District
I-L	Light Industrial District
I-G	General Industrial District

165.05 DISTRICT BOUNDARIES. The boundaries of these districts are indicated upon the Zoning Map of the City. The Zoning Map and all the notations, references, and other matters shown thereon are as much a part of this chapter as if the notations, references, and other matters set forth on the Map were all fully described herein.[†] The Zoning Map is on file in the office of the Clerk at the City Hall. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Map, the following rules apply:

1. The district boundaries are either street lines or alley lines, unless otherwise shown, and where the districts designated on the Map are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district.
2. In unsubdivided property, the district boundary lines on the Map shall be determined by use of the scale appearing on the Map.

165.06 FUTURE ANNEXATION OF TERRITORY. All territory which may hereafter be annexed to the City shall automatically be classed as lying in the A-1 Agricultural District until such classification shall have been changed by an amendment to the Zoning Ordinance.

165.07 CONFORMANCE REQUIRED. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered; nor shall any building or land be used which does not comply with all of the district regulations established by the Zoning Ordinance codified in this chapter for the district in which the building or land is located.

165.08 CONTINUING EXISTING USES. The use of a building existing at the time of the enactment of the Zoning Ordinance may be continued even though such use may not conform with the regulations of this chapter for the district in which it is located.

165.09 NONCONFORMING USES OR BUILDINGS.

1. New Construction of Buildings. Construction of new principal or accessory buildings which will be used for or which are incidental to a use made nonconforming by this chapter is not allowed.
2. Structural Alterations and Enlargements. Any building in any district devoted to a use made nonconforming by this chapter may be structurally altered or enlarged in conformity with the lot area, the lot frontage, yard, and height requirements for the district in which it is situated under Principal Permitted Uses; provided, such construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of the Zoning

[†] See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.

Ordinance. A nonconforming use of a building may be changed to another nonconforming use of the same classification.

3. Discontinuance. In the event that a nonconforming use of any building or premises is discontinued for a period of 180 days, the use of the building or premises shall conform thereafter to the uses permitted in the district in which it is located. Change of ownership shall not be construed as discontinuance of a nonconforming use.

165.10 REPLACING DAMAGED BUILDINGS. Any nonconforming building or structure damaged by fire, flood, explosion, war, riot, act of God, or otherwise in excess of 80 percent of its replacement value inclusive of the foundations when the damage was incurred shall not be restored or reconstructed and used as before such happening; but if the damage is less extensive, the nonconforming building or structure may be restored, reconstructed, or used as before provided the restoration or reconstruction is started within one year of from the time the damage was sustained.

165.11 LOCATING BUILDINGS. Every building hereafter erected or structurally altered shall be located on a lot as defined in this chapter and there shall be no more than one main building on one lot unless otherwise provided by this chapter.

165.12 STREET FRONTAGE REQUIRED. Except as permitted in 165.33 of this chapter, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least 40 feet on at least one street, or unless it has an exclusive unobstructed private access easement or right-of-way of at least 20 feet wide to a street. There shall be not more than one single-family dwelling for such frontage or easement, except that a common access easement at least 50 feet wide shall be provided for two or more such single-family dwellings or for one or more two-family or multiple dwellings.

165.13 PRIVATE DETACHED GARAGES, ACCESSORY BUILDINGS OR OTHER STORAGE BUILDINGS. No private detached garage, accessory building or other storage building shall be erected in any required court or front yard in any R District, nor extend into the front yard toward the street further than the front of the principal building on that lot. All such buildings shall be distant at least five feet from rear or side lot lines in any R District. On a corner lot, they shall conform to the setback regulations of the side street. Garages, accessory buildings or other storage buildings may be erected as part of the principal building to which they are attached, provided all yard requirements for a principal building are complied with. A private detached garage, accessory building or other storage building in any R District shall not occupy more than 30 percent of the rear yard, or exceed 900 square feet in size or 16 feet in height; however, this regulation shall not be interpreted to prohibit the construction of a private, detached garage of not more than 576 feet on a minimum rear yard, even though that may exceed the 30 percent limitation.

165.14 CORNER LOTS.

1. For corner lots platted after February 19, 1986, the effective date of the Zoning Ordinance, frontage may be considered on either street. Setback requirements along both streets shall conform to the front yard requirement of the district in which it is located. No accessory building on a corner lot shall project beyond the setback line of the lots to the rear.
2. For corner lots platted and of record on February 19, 1986, the effective date of the Zoning Ordinance, the side yard regulation shall apply to the longer street side of the lot, except for reverse frontage lots. For reverse frontage lots, there shall be a side

yard on the longer street side of the corner lot not less than 50 percent of the setback required on lots to the rear of such corner lot. No accessory building on a corner lot shall project beyond the setback line of the lot to the rear.

3. However, this regulation shall not be interpreted so as to reduce the buildable width of the corner lot platted and of record or as shown by an existing contract of purchase at the time of the effective date of the Zoning Ordinance to less than 28 feet or to prohibit the erection of an accessory building.

165.15 FRONT YARD. In any R District there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided however, where lots comprising 30 percent or more of the frontage width within 200 feet of either side lot line are developed with buildings at a greater setback, the front yard setback shall be the average of these building setbacks and the minimum setbacks required for the undeveloped lots; provided further, the setback need not exceed 50 feet in any event.

165.16 REQUIRED YARD. No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this chapter. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this chapter.

165.17 CONTINUOUS LINEAR SHRUBBERY, FENCES, OR WALLS. Hedges, fences or walls are allowed in all yards, but they shall not exceed the following height limitations in residential areas unless otherwise specified in this chapter:

1. In front yards, not to exceed four feet, except at corner lots where they shall not exceed two and one-half feet.
2. In side and rear yards, not to exceed eight feet.

165.18 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision on record in the Office of the County Recorder shows a setback 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.

165.19 VACATION. Whenever any street, road, railroad, or other public use is vacated by official action of the Council, the zoning district adjoining each side of such street, road, railroad, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended districts.

165.20 DISTRICT REGULATIONS GENERALLY. The regulations set forth in Sections 165.07 through 165.19 of this chapter shall apply to all districts.

165.21 A-1 AGRICULTURAL DISTRICT REGULATIONS. The A-1 Agricultural District is intended to prevent premature development at urban densities of agricultural land which is not served by streets, utilities, and community facilities at the time of designation, and to permit agricultural activity on land within the corporate limits.

1. Principal Permitted Uses. The following principal uses are permitted in the A-1 Agricultural District.
 - A. Agriculture and the usual agricultural buildings and structures, including specialized poultry, pigeon, rabbit, and other farm animals, but excluding confinement feeding operations, and the feeding or disposal of community or collected garbage.
 - B. One-family dwelling.
 - C. Truck gardening, private nurseries, and greenhouses.
 - D. Riding stables, public and private. However, any such structure must be located at least 100 feet from all boundary lines of the property on which it is located.
 - E. Grain elevators (non-commercial).
 - F. Forest and forestry.
 - G. Private feed lots.
2. Accessory Uses. The following accessory uses are permitted:
 - A. Accessory buildings and uses customarily incidental to any of the above uses.
 - B. Bulletin boards and signs pertaining to the lease, hire, or sale of a building or premises, or signs pertaining to any material that is mined, grown, or treated within the district; provided however, such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed, or stored.
 - C. The owner of a farm may set aside a plot of ground on the farm and construct on it one single-family dwelling or one mobile home to be occupied by a member of the owner's immediate family only.
3. Conditional Permitted Uses. The following are also permitted uses subject to the procedure required in 165.33(8).
 - A. Transmitting stations and towers.
 - B. Veterinary establishments.
 - C. Airports and landing fields.
 - D. Any building or use erected or maintained by any department of the City, Township, County, State or federal government.
 - E. Cemeteries, both public and private (minimum of 10 acres).
 - F. Circus, carnival, or similar transient enterprise.
 - G. Mining and extraction of minerals or raw materials.
 - H. Parks, playgrounds, recreational fields, golf courses, and both public and private outdoor recreational facilities.

- I. Public utility structures and equipment necessary for the operation thereof.
 - J. Home occupation.
 - K. Confinement feeding operations.
 - L. Accessory uses as described in Subsection 2 of this section.
4. Height Regulations. Any building erected or structurally altered may be erected to any height not in conflict with other existing ordinances of the City.
5. Lot Area, Lot Frontage, and Yard Requirements. The following minimum requirements shall be observed, subject to the modified requirements contained in Section 165.33:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width on Any One Side	Rear Yard Depth
Dwelling	3 acres	200 feet	3 acres	30 feet	20 feet	30 feet
Other Permitted Use		200 feet		50 feet	25 feet	50 feet
Accessory Uses				30 feet	10 feet	10 feet

165.22 R-1 RESIDENCE DISTRICT REGULATIONS. The R-1 Residence District is intended to provide a quiet, spacious residential neighborhood in which residents are protected from hazards such as fires and from noise, odors, vibrations, congestion and environmental and aesthetic degradation; and from uses which are incompatible with the provisions for this district.

1. Principal Permitted Uses. The following principal uses are permitted in the R-1 Residence District.
 - A. Single-family dwellings, except mobile homes.
 - B. Two-family dwellings.
2. Accessory Uses. The following accessory uses are permitted:
 - A. Private garages and hand or garden tool storage buildings.
 - B. Temporary buildings for use incidental to construction work and which must be removed upon the completion or abandonment of the construction work.
 - C. One bulletin board or sign not exceeding 35 square feet in area, pertaining to the construction, lease, hire, or sale of a building or premises and sale of land or lots. The board or sign must be removed as soon as the premises is leased, hired or sold, or the construction is completed.
 - D. Church bulletin boards.
3. Conditional Permitted Uses. The following uses are also permitted subject to the procedure required in 165.33(8).
 - A. Home occupations.
 - B. Any building or use erected or maintained by any department of the City, Township, County, State or federal government.
 - C. Churches and institutions of a religious, philanthropic, or charitable character, including public libraries.
 - D. Parks, playgrounds, recreational fields, golf course, and both public and private outdoor recreation facilities.
 - E. Public and parochial schools, elementary and high, and other educational institutions having an established current curriculum the same as ordinarily given in public schools.
 - F. Public utility structures and equipment necessary for the operation thereof.
 - G. Boarding and lodging homes.
 - H. Hospitals (excluding animal hospitals), day nurseries, nursing, and convalescent homes, and clinics.
 - I. Accessory buildings up to 1,500 square feet upon lots at least 40,000 square feet, provided they meet the following requirements and are approved as a conditional building by the Board of Adjustment; maximum roof height of 16 feet; side yard and rear yard setbacks of at least 20 feet; building length of not more than two times the building width; and siding materials in harmony with the principal structure.

4. Height Regulations. No principal building shall exceed 35 feet in height, and no accessory structure shall exceed 18 feet in height; except as provided in 165.33.

5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modified requirements contained in 165.33:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width on Any One Side	Rear Yard Depth
One Family Dwelling	9,000 sq. ft.	75 feet	9,000 sq. ft.	20 feet	5.0 feet	20 feet
Other Permitted Use	9,600 sq. ft.	80 feet		20 feet	7.5 feet	20 feet
Accessory Uses				20 feet	5.0 feet	5.0 feet

165.23 "R-2" MULTIPLE RESIDENCE DISTRICT. The R-2 Multiple Residence District is intended to provide areas of high density housing and transitional uses.

1. Principal Permitted Uses. The following principal uses are permitted in the R-2 Multiple Residence District.
 - A. Any use permitted in the R-1 Residence District.
 - B. Multiple family dwelling.
 - C. Funeral homes and mortuaries.
 - D. Commercial and professional offices.
 - E. Tea rooms.
 - F. Bed and Breakfast Establishments.
2. Accessory Uses. The following accessory uses are permitted:
 - A. Accessory uses permitted in the R-1 Residential District.
 - B. Signs for the Principal Permitted Uses as provided in this chapter.
3. Conditional Permitted Uses. The same conditional uses as those permitted in the R-1 Residential District are permitted in the R-2 Multiple Residence District.
4. Height Regulations. No principal building shall exceed a height of 45 feet in height, and no accessory structure shall exceed 18 feet in height; except as provided in 165.33.
5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modified requirements contained in 165.33:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width on Any One Side	Rear Yard Depth
One Family Dwelling	9,000 sq. ft.	75 feet	9,000 sq. ft.	20 feet	5.0 feet	20 feet
Two Family Dwelling	9,600 sq. ft.	80 feet	4,800 sq. ft.	20 feet	7.5 feet	30 feet
Multiple and Permitted Uses	10,000 sq. ft.	80 feet	*	30 feet	7.5 feet	35 feet
*2,500 square feet for first four units, plus 1,000 square feet for each additional unit						

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165.24 R-MH PLANNED MOBILE HOME DISTRICT REGULATIONS. The R-MH District is intended to provide sites for the location of mobile homes which will allow the maximum amount of freedom possible in the design of mobile home parks and will provide for the related recreational, commercial, and other service facilities for the planned mobile home residential development.

1. Principal Permitted Uses. The following principal uses are permitted in the R-MH District:
 - A. Single and double-wide mobile homes.
 - B. Non-commercial community recreational facilities which are intended exclusively for the use of the mobile home development residents and their guests.
 - C. Pedestrian oriented personal service facilities provided that such facilities occupy not more than 100 square feet of gross floor area for each mobile home in the development.
 - D. Buildings used for the management and maintenance of the development.
 - E. Commercial mobile home sales.
2. Accessory Uses. The following accessory uses are permitted:
 - A. Buildings and uses customarily accessory to mobile homes such as garages and storage buildings.
 - B. One indirectly lighted, non-flashing sign not to exceed one square foot for each five feet of frontage of the mobile home park.
3. Height Regulations. No principal building shall exceed 25 feet in height, and no accessory structure shall exceed 18 feet in height.
4. Design Procedure, Standards, and Requirements.
 - A. Procedure. The owner or owners of any tract land comprising an area of not less than five acres shall submit to the Commission a plan for the use and development of the entire tract. The plan shall include the location and uses of all buildings, the location of each single-wide and double-wide mobile home stand, the locations and types of all community safety, sanitary, and recreational facilities; open spaces, including developed open spaces and those to be preserved in their existing state; points of access to the site, principal pedestrian and vehicular circulation ways, parking facilities, and other principal elements of the vehicular and pedestrian transportation system. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principals of civic design, land use planning, and landscape architecture. The Commission may, after holding a public hearing and reviewing the development plan, recommend approval, approval with modifications, or disapproval. The Commission shall forward its recommendations in writing to the Council which shall, after notice and public hearing, approve or disapprove said application and plan, or may require such changes as it deems necessary to better implement the intent and purpose of this chapter.

B. Standards. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the following requirements, which shall prevail over any conflicting provisions found elsewhere in this chapter:

(1) Uses along the project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end the Commission may require, in the absence of an appropriate physical barrier, that uses of low intensity, a buffer, open space, or screening be arranged along the boundary of the project.

(2) An overall land use development plan delineating the street system, parking areas, concrete pads, recreational areas, public and private utility installations, and additional on-site improvements.

(3) No building permits shall be issued until the final plan of the development is approved and recorded; and the applicant must file proof of compliance with all requirements of the State Department of Health with the Zoning Administrator.

C. Deed Restrictions. In its review of the plan, the Commission or Council may consider any deed restrictions or covenants entered into or contracted by the developer concerning the use of common land or permanent open space. "Common land" as used herein refers to land dedicated to the public use and to land retained in private ownership but intended for the use of the residents of the development unit or the general public.

D. Land Use and Density Requirements.

(1) A maximum of five mobile homes shall be allowed per gross acre.

(2) A minimum of 5,000 square feet of site area per mobile home.

(3) Indoor and outdoor community use facilities and recreation open spaces of not less than 2,500 square feet for each five acres or any portion thereof.

(4) No part of any mobile home or other structure shall be located within 30 feet of any public road or within 15 feet of any exterior boundary of the Planned Mobile Home Development.

(5) Parking facilities shall be provided within the development at the rate of two off-street spaces per mobile home.

(6) Mobile home sales and accessory uses within the R-MH District shall not consume more than 15 percent of the total district.

(7) No permit for a commercial structure or building shall be issued until at least 25 percent of the mobile home site is developed for residential uses.

165.25 C-1 COMMERCIAL DISTRICT REGULATIONS. The C-1 Commercial District is intended to provide for the maintenance of certain elements of the downtown area by permitting higher densities and limited on street parking near the established commercial core of the City.

1. Principal Permitted Uses. The following are principal permitted uses in the C-1 Commercial District.
 - A. Retail sales establishments.
 - B. Financial institutions.
 - C. Personal and business service establishments.
 - D. Commercial and professional offices.
 - E. Restaurants, cafes, taverns, and bars.
 - F. Arcades, pool halls, and other similar places of amusement.
 - G. Private clubs and lodges.
 - H. Government offices, post offices, libraries.
 - I. Historic and cultural features and buildings.
 - J. Bus depots.
 - K. Parking lots.
 - L. Parks and recreational areas when publicly owned and operated.
 - M. Clinics.
2. Conditional Permitted Uses. The following are also permitted uses subject to the procedure required in 165.33(8):
 - A. Wholesale establishments.
 - B. Warehouses for local wholesale and retail establishments or for personal property, but not including industrial warehouses and distribution centers.
 - C. Veterinary hospitals and clinics.
 - D. Commercial boarding and breeding kennels.
 - E. Multiple family dwellings, plus customary accessory buildings.
 - F. Automobile and other vehicular sales.
 - G. Apartments above the first floor of a commercial use.
 - H. Telephone exchanges, electrical substations and booster substations, and similar installations of publicly regulated utilities.
 - I. Light manufacturing.
3. Prohibited Uses. The following uses are prohibited in the C-1 Commercial District.
 - A. Sale and keeping of livestock.
 - B. Bulk sale and storage of grain, fertilizer, and petroleum products.

4. Height Regulations. No principal building shall exceed 45 feet in height, and no accessory structure shall exceed 18 feet in height; except as otherwise provided in 165.33.

5. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modifying requirements contained in 165.33:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width on Any One Side	Rear Yard Depth
Principal Permitted Uses	Conforms to setbacks of buildings in the Central Business District					
When Abutting Residential District		200 feet			20 feet	25 feet
Multiple Family	Same as specified in R-3 District					
Hotels and Motels	1 acre	100 feet	N/A	40 feet	10 feet	25 feet

6. Minimum Square Footage and Location of Commercial Use. Permitted commercial usage shall occupy an area not less than 500 square feet, in the frontage of the building, on the ground floor level.

165.26 C-2 COMMERCIAL DISTRICT REGULATIONS. The C-2 Commercial District is intended to provide for low-density business and limited wholesale and other non-commercial uses.

1. Principal Permitted Uses. The following principal uses are permitted in the C-2 Commercial District.

- A. Retail sales establishments.
- B. Financial institutions.
- C. Personal and business service establishments.
- D. Automotive and equipment service establishments, including gasoline service stations.
- E. Commercial and professional offices.
- F. Hotels and motels.
- G. Restaurants, cafes, taverns, and bars.
- H. Theaters, bowling centers, arcades, pool halls, and dance halls.
- I. Auditoriums and community centers.
- J. Greenhouses and nurseries.
- K. Private clubs and lodges.
- L. Historic and cultural features and buildings.
- M. Bus depots.
- N. Veterinary hospitals and clinics.
- O. Clinics.
- P. Wholesale establishments.
- Q. Warehouses for local wholesale and retail establishments or for personal property, but not including industrial warehouses and distribution centers.
- R. Parking lots.
- S. Parks and recreation areas when publicly owned and operated.

2. Conditional Uses. The following are permitted uses subject to the procedure required in 165.33(8):

- A. Rest homes and nursing homes.
- B. Hospitals and sanitariums.
- C. Commercial boarding and breeding kennels.
- D. Commercial outdoor recreation areas, including golf courses, miniature golf courses, swimming pools and campgrounds.
- E. Drive-in restaurants.
- F. Multiple family dwellings, plus customary accessory buildings.
- G. Bulk sale and storage of grain, fertilizer, and petroleum products.

H. Truck terminals.

I. Lumber yards.

J. Telephone exchanges, electric substations, and booster stations, and similar installations of publicly regulated utilities.

3. Height Regulations. No building shall exceed 45 feet in height, and no accessory structure shall exceed 18 feet in height; except as otherwise provided in 165.33.

4. Lot Area, Lot Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the modifying requirements contained in 165.33:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width on Any One Side	Rear Yard Depth
Principal Permitted Uses	12,000 sq. ft.	100 feet	N/A	40 feet	10 feet	25 feet
Multiple Family Dwellings	Same as specified in R-3 District					
Hotels and Motels	1 acre	100 feet	N/A	40 feet	10 feet	25 feet
Accessory Uses					10 feet	5.0 feet

165.27 I-L LIGHT INDUSTRIAL DISTRICT REGULATIONS. The I-L Light Industrial District is intended to accommodate light industrial, wholesale and research establishments. Emphasis is placed on providing warehousing and light assembly industries. The Light Industrial District allows all industrial uses except those that would present danger to residents of the community or generate noise, smoke, traffic, or air and water pollution that would create a public or private nuisance. Outdoor storage of raw materials or finished products are allowed only by temporary permits or as a conditional use.

1. **Principal Permitted Uses.** The following are principal permitted uses in the I-L Light Industrial District.
 - A. Wholesaling and warehousing.
 - B. Production, processing, servicing, testing, repair or storage of materials, equipment or goods.
 - C. Public or community service.
 - D. Temporary buildings for construction purposes for a period not to extend beyond the completion date of the construction.
 - E. Agricultural activities, limited to horticulture and nursery.
 - F. Grain elevator.
 - G. Accessory buildings and uses, including off-street parking and loading.
2. **Prohibited Uses.** Residential buildings are prohibited in the I-L District.
3. **Conditional Uses.** Subject to the procedure required in 165.33, permits for temporary outside storage may be granted by the Zoning Administrator for periods from 1 to 90 days. Conditional use permits are required for outside storage for a period of more than 90 days.
4. **Required Conditions.** No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter, or water carried waste.
5. **Height Regulations.** No principal building shall exceed 45 feet, and no accessory structure shall exceed 18 feet in height; except as otherwise provided in 165.33.
6. **Lot Area, Lot Frontage and Yard Requirements.** The following minimum requirements shall be observed, subject to the modifying requirements contained in 165.33:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width on Any One Side	Rear Yard Depth
Principal Permitted Uses	12,000 sq. ft.	100 feet	N/A	30 feet	10 feet	13 feet
Accessory Uses					10 feet	15 feet
Lots in which the rear yard abuts a railroad right-of-way and which are located in either the I-L Light Industrial District or the I-G General Industrial District, the front yard setback requirement shall be reduced to zero feet and the rear yard setback requirement shall be reduced to not less than five feet.						

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165.28 I-G GENERAL INDUSTRIAL DISTRICT REGULATIONS. The I-G General Industrial District is intended to accommodate those industrial uses which are not permitted in the I-L Light Industrial District. Such industrial undertakings need not be enclosed where the type of undertaking requires that the activities be carried on outside. All production, processing, servicing, testing, repairing, or storing may take place in enclosed buildings. All outdoor storage shall be screened by a site obscuring fence or shrubs when the zoning lot is fronting a street or highway and/or is adjacent to a residential district. Residential, commercial, and public uses are prohibited.

1. Principal Permitted Uses. The following are principal permitted uses in the I-G General Industrial District:

- A. Wholesaling and warehousing.
- B. Production, processing, servicing, testing, repairing, or storing of materials, equipment, or goods.
- C. Public or community services.
- D. Temporary buildings for construction purposes for a period not to extend beyond the completion date of the construction.
- E. Agricultural activities, excluding animal husbandry.
- F. Accessory buildings and uses, including off-street parking and loading.

2. Conditional Uses. The following are uses permitted subject to the procedure required in 165.33(8).

- A. Stone and gravel pits.
- B. Slaughter houses and stockyards.
- C. Distillation of ethanol.
- D. Acid or chemical manufacture or storage.
- E. Cement, lime, gypsum, or similar material manufacture.
- F. Explosive manufacture or storage.
- G. Garbage, offal, or dead animal reduction.
- H. Petroleum refining or storage.
- I. Rubber goods manufacture.
- J. Salvage yard or junk yard provided that the premises on which such activity is conducted shall be wholly enclosed within a building, fence, or wall not less than six feet in height, completely obscuring the activity.
- K. Mining and the extraction of minerals and raw materials.

3. Height Regulations. No principal or accessory building shall exceed 35 feet in height, except as otherwise provided in 165.33.

4. Lot Area, Lot Frontage and Yard Requirements. The following requirements shall be observed, subject to the modifying requirements contained in 165.33:

Use	Lot Area	Lot Width	Lot Area Per Family	Front Yard Depth	Least Width on Any One Side	Rear Yard Depth
Principal and Accessory Permitted Uses	20,000 sq. ft.	20 feet	N/A	25 feet	15 feet	40 feet
When Abutting Any Residential District				200 feet	200 feet	200 feet
When Abutting C-1, C-2, I-L or A-1 District				100 feet	100 feet	100 feet
Lots in which the rear yard abuts a railroad right-of-way and which are located in either the I-L Light Industrial District or the I-G General Industrial District, the front yard setback requirement shall be reduced to zero feet and the rear yard setback requirement shall be reduced to not less than five feet.						

SUMMARY BUILDING PLACEMENT AND SIZE SCHEDULE									
Use	LOT REQUIREMENT		YARD DIMENSIONS					MAXIMUM BUILDING HEIGHT	
	Minimum Area	Minimum Width	Principal Building			Accessory Building		Principal	Accessory
			Front	Side	Rear	Side	Rear		
R-1 Single Family	9,000 sq. ft.	75 feet	20 feet	5 feet	20 feet	5 feet	5 feet	35 feet	18 feet
R-1 Two Family	9,600 sq. ft.	80 feet	20 feet	7.5 feet	20 feet	5 feet	5 feet	35 feet	18 feet
R-2 Multiple Family:									
1 & 1½ stories	10,000 sq. ft.*	80 feet	30 feet	7.5 feet	35 feet	5 feet	5 feet		
2 & 2½ stories	10,000 sq. ft.*	80 feet	30 feet	7.5 feet	35 feet	5 feet	5 feet		
3 stories	10,000 sq. ft.*	80 feet	30 feet	7.5 feet	35 feet	5 feet	5 feet	45 feet	18 feet
C-1 Commercial:									
Central Business District	N/A**	N/A**	N/A**	N/A**	N/A**	N/A**	N/A**	45 feet	N/A
When Abutting Residential District				20 feet	25 feet				
C-2 Commercial	12,000 sq. ft.	100 feet	40 feet	10 feet	25 feet	10 feet	5 feet	45 feet	18 feet
I-L Industrial	12,000 sq. ft.	100 feet	30 feet	10 feet	25 feet	10 feet	15 feet	45 feet	18 feet
I-C Industrial:	20,000 sq. ft.	120 feet	25 feet	15 feet	40 feet	15 feet	40 feet	35 feet	18 feet
When Abutting R-1, R-2, R-MH			200 feet	200 feet	200 feet				
When Abutting C-1, C-2, I-L, A-1			100 feet	100 feet	100 feet				
*2,500 square feet for each of the first four units plus 1,000 square feet for each additional unit									
**Conforms to setbacks of buildings in the Central Business District									
Lots in which the rear yard abuts a railroad right-of-way and which are located in either the I-L Light Industrial District or the I-G General Industrial District, the front yard setback requirement shall be reduced to zero feet and the rear yard setback requirement shall be reduced to not less than five feet.									

165.29 PARKING, LOADING AREAS AND PARKING LOTS. This section is intended to promote public safety and welfare by reducing the congestion of public streets. Off-street parking and loading space will be provided on individual lots in a quantity related to the use of the property.

1. Scope. The off-street parking and loading provisions of this chapter shall apply as follows:

A. Except in C-1 Commercial District, off-street parking and loading space shall be provided for all buildings and structures erected after the effective date of the Zoning Ordinance.

B. If the intensity of the use of any building, structure, or premises is increased, additional parking shall be provided to match the increased intensity of use.

C. If an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use.

D. Existing parking and loading serving any type of use shall not be reduced below the requirements of this chapter.

E. Off-street parking and loading may be established voluntarily if it meets the requirements of this chapter.

F. If a conforming or legally nonconforming building is destroyed or damaged by fire, explosion, flood, or any other manmade or natural catastrophe; no off-street parking or loading is required during the process of reconstruction.

G. Any application for a zoning permit or for a certificate of zoning compliance shall include a plot plan accurately showing any parking or loading facilities to be provided in compliance with this chapter.

H. Off-street parking facilities for different buildings, structures, uses or mixed uses may be provided collectively in any non-residential zoning district, provided the total number of parking stalls, collectively, shall not be less than the sum of the separate requirements of each of the uses.

2. Size of Stall. A required off-street parking stall shall be at least 10 feet in width and at least 20 feet in length, exclusive of access drives and aisles, ramps, columns, or office work areas. Each stall shall have a vertical clearance of at least seven feet.

3. Surfacing. Any open off-street parking area containing more than five parking stalls shall be improved with a dust-free surface meeting the standards set by the City.

4. Miscellaneous Provisions.

A. Campers, commercial vehicles, travel trailers, motor homes, boats, buses, trucks over three-quarters ton, or similar vehicles shall not be parked or stored for more than 24 hours in the front yard of a residential lot.

B. Major repairs or alterations of commercial or recreational vehicles listed in paragraph A of this subsection shall not be conducted in a residential district except within a completely enclosed building, and neither shall such repairs or alterations be conducted as an occupation in a residential district.

5. Truck Loading and Parking Areas. Off-street areas sufficient for all truck loading and truck storage and parking shall be provided in connection with all buildings

and uses delivering and receiving goods, materials, and supplies by truck by those persons using trucks in their businesses.

6. Number of Parking Stalls Required.

Single family dwellings and mobile homes	2 stalls per dwelling unit
Multi family dwellings and duplexes	1.5 stalls per dwelling unit
Hotels and motels	1 stall per guest room and 1 stall per 3 employees
Clubs, lodges, sororities, fraternities, dormitories and lodging and boarding houses	1 stall per 2 beds
Service institutions: Hospitals	1 stall per 2 beds and 1 stall per 3 employees
Sanatoriums, institutions, rest homes and nursing homes	1 stall per 4 beds and 1 stall per 3 employees
Medical and dental clinics	6 stalls per doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall per 5 permanent seats or 1 stall per 100 square feet, whichever is greater
Schools: Elementary schools	1 stall per employee
High schools	1 stall per employee and 1 stall per 5 students
Retail sales and services: Restaurants, bars and lounges	1 stall per 50 square feet of gross floor area or 12 stalls per 6 seats, whichever is greater
Financial institutions, businesses and governmental and professional offices	1 stall per 300 square feet
Funeral homes	1 stall per 4 seats or 1 stall per 100 square feet exclusive of embalming facilities, whichever is greater
Bowling alleys	5 stalls per lane
All other retail sales and services, including shopping centers	1 stall per 250 square feet gross floor area
Manufacturing and processing plants, laboratories, warehouses and wholesale sales	1 stall per 2 employees
Tea rooms	1 stall per 4 patrons or fraction
Bed and breakfast establishments	1 stall per guest room

165.30 SATELLITE TELEVISION ANTENNAS. Any person intending to install or to reconstruct an antenna for reception of television signals from earth satellites shall apply for and receive a building permit from the City before commencing work on the antenna structure. The antenna shall meet all required setbacks. The following regulations also apply to satellite television antennas:

1. All satellite television antennas in residential districts shall have a maximum height of 10 feet, shall be located on the rear half of the lot, shall be at least 10 feet from any main building existing or under construction on the same lot, shall be at least five feet from any rear or side lot line, and in the case of a corner lot shall not project beyond the front yard required or existing on the adjacent lot.
2. On an interior lot a satellite television antenna shall not be erected or altered so as to encroach upon the one-quarter of the lot nearest either street or in the front yard required for either street.
3. In any commercial or industrial district, a satellite television antenna shall not exceed 45 feet in height or be located closer than 15 feet of any public street.
4. If used for advertising purposes, a satellite television antenna shall be deemed to be a sign and shall also be governed by the sign regulations applicable to the district in which it is proposed to be located.
5. If a satellite television antenna is proposed to be mounted on the roof of a building, it shall not extend more than 10 feet above the height limit established for the district in which the structure is located and antennas so located shall not be used for advertising purposes.

165.31 STREET ENTRANCES, FILLING STATIONS AND PUBLIC GARAGES.

1. No parking lot of 25 or more parking stalls, parking garage, automobile repair shop, or gasoline filling station shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, or public library unless the school, public playground, church, hospital, or public library is in another block or on another street.
2. No gasoline filling station or public garage shall be permitted if any oil draining pit or fueling filling appliance is located within 12 feet of any street line or within 25 feet from any residential district unless such appliance or pit is within a building.

165.32 SIGNS AND BILLBOARDS.

1. **Public Service Signs and Billboards.** Pursuant to the power granted by Sections 414.7 and 414.12 of the *Code of Iowa* to hear and decide special exceptions to the Zoning Ordinance, the Board of Adjustment may, after publishing notice thereof in accordance with Section 362.3 of the *Code of Iowa* and holding a public hearing thereon, approve zoning permit applications for and authorize the erection and use of signs and billboards by public agencies and nonprofit organizations in all zoning districts, subject to such reasonable limitations and conditions as the Board of Adjustment may deem appropriate.
2. **Commercial Signs.** The erection and use of on-site signs, either affixed to the exterior of a building or free-standing, is a permitted use in a C-1 Commercial District, C-2 Commercial District, I-L Light Industrial District and I-G General Industrial District, subject only to the limitations that a sign affixed to the exterior of a building

shall have a height no greater than the building to which it is affixed and shall occupy an area no greater than 20 percent of the face of the building to which it is affixed.

3. Commercial Billboards. Pursuant to the power granted by Sections 414.7 and 414.12 of the *Code of Iowa* to hear and decide special exceptions to the Zoning Ordinance, the Board of Adjustment may, after publishing notice thereof in accordance with Section 362.3 of the *Code of Iowa* and holding a public hearing thereon, approve zoning permit applications for and authorize the erection and use of billboards, subject to all of the following limitations and conditions:

A. An application for a zoning permit for a billboard shall be submitted in writing to the Zoning Administrator; shall fully describe in narrative and graphic form the dimensions and construction materials of the proposed billboard, the location of the proposed site for its erection, and the intended use which is to be made of the billboard; shall identify by name and mailing address the applicant, the owner of the proposed billboard and the owner of the proposed site; and shall be signed by the applicant, the owner of the proposed billboard and the owner of the proposed site.

B. Billboards shall be permitted only on private property that is classified under this chapter as an A-1 Agriculture District, an I-L Light Industrial District, or an I-G General Industrial District and that abuts upon the right-of-way of the U.S. Highway No. 30.

C. No billboard shall be permitted in any area that is more than 300 feet from the nearest right-of-way line of U. S. Highway No. 30.

D. The gross display area of each side of a billboard shall not exceed 200 square feet.

E. The maximum height of a billboard shall not be more than 20 feet above the normal grade elevation of the land upon which it is erected.

F. A billboard may be illuminated.

G. No billboard may be erected at a distance of less than 300 feet from any other billboard.

H. A billboard erected pursuant to authority granted by the Board of Adjustment shall, not less than once every five years, be repainted, redecorated, rehabilitated, and otherwise restored to a condition substantially equivalent to the condition in which it existed at the time it was originally erected. A billboard that fails to satisfy the conditions of this paragraph shall on the order of the Zoning Administrator be promptly dismantled and removed.

I. Such other reasonable limitations and conditions as the Board of Adjustment may deem appropriate.

165.33 EXCEPTIONS AND MODIFICATIONS. The regulations specified in this chapter are subject to the following exceptions and interpretations:

1. Use of Existing Lots of Record. In any district in which dwellings are permitted, a single-family dwelling may be located on any lot of record as of the effective date of the Zoning Ordinance irrespective of its area or width; and a two-family dwelling may be located on any lot in any R-2 Residence District that has a lot width of at least 60 feet and was a lot of record as of the effective date of the Zoning Ordinance; provided, however:

- A. The side yard widths of any such lot for single family dwellings shall not be less than five feet for either side yard.
 - B. The side yard widths of any lot for two family dwellings shall not be less than seven and one-half feet for either side yard.
 - C. The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but not less than 15 feet.
 - D. Building setback lines established on lots of record as of the effective date of the Zoning Ordinance may apply in lieu of those required by this chapter unless those building setbacks are greater than those required by this chapter.
2. Structure Permitted Above Height Limit. The building height limitations of this chapter shall be modified as follows:
- A. Chimneys, cooling towers, elevator bulkheads, fire towers, lofts, tanks, water towers, ornamental towers and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing ordinances or those hereafter adopted.
 - B. Public, semi-public, or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to a height not exceeding 60 feet; and churches and temples, when permitted in a district, may be erected to a height not exceeding 75 feet if the building is set back from each property line the required minimum setback and one additional foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.
 - C. Single-family dwellings and two-family dwellings in the residential districts may be increased in height by 10 feet if both side yards are at least 15 feet in width, provided such dwellings do not exceed three stories.
3. Area Requirements. For an area in any district in which neither the public water system nor a private water system serving three or more lots, nor the public sanitary sewer system or a private sanitary sewer treatment system serving three or more lots is accessible, the lot area requirement shall be three acres; however, if the area is served by the public water system or a private water system serving three or more lots, this requirement shall be 10,000 square feet. All other lot requirements of the district in which such lots exist shall apply.
4. Double Frontage Lots. Buildings on double frontage lots shall provide the required front yard on both streets.
5. Rear and Side Yards. In computing the depth of a rear yard or the width of a side yard if the rear or side yard opens on an alley, one-half of the alley width may be included as a portion of the rear or side yard as the case may be.
6. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky unobstructed by any building or structure except for a permitted accessory building in a rear yard and except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not more than 24 inches into the yard. In the C-1 Commercial District, signs, overhangs, and marquees may extend over street right-of-way lines provided erection of such signs, overhangs, and marquees are constructed in accordance with the provisions of the *Code of Iowa*.

7. Porches and Decks. An existing open porch or deck which projects five feet or less into the required front yard may be remodeled or rebuilt to an enclosed non-habitable vestibule entrance-way and closet space.

8. Conditional Permitted Uses. A conditional use permit must be obtained from the Board of Adjustment for any of the listed buildings or uses. Conditional use permits can only be issued for the buildings or uses located in districts in which permitted by this chapter.

- A. Airports and landing field.
- B. Any building or use erected or maintained by any department of the City, Township, County, State, or federal government.
- C. Cemeteries, both public and private, containing a minimum of 10 acres.
- D. Churches and institutions of a religious, philanthropic, or charitable character.
- E. Circus, carnival, or similar transient enterprise.
- F. Mining and extraction of minerals or raw materials.
- G. Parks, playgrounds, recreational fields, golf courses, and both public and private outdoor recreation facilities.
- H. Public and parochial schools, elementary and high, and other educational institutions having an established current curriculum similar to that ordinarily given in public schools.
- I. Public utility structures and equipment necessary for the operation thereof.
- J. Home occupations.
- K. Transmitting stations and towers.
- L. Veterinary establishments.
- M. Confinement feeding operations, provided such use is located not less than 1,320 feet from the nearest existing dwelling and such use is located on a farm as defined by this chapter.
- N. Wholesale establishments.
- O. Warehouse for local wholesale or retail establishments and for personal property, but not including industrial warehouses and distribution centers.
- P. Commercial boarding or breeding kennels.
- Q. Multiple family dwellings and customary accessory buildings.
- R. Automobile and other vehicular sales.
- S. Apartments above the first floor of a structure containing a commercial use.
- T. Rest homes and nursing homes.
- U. Hospitals and sanitariums.
- V. Commercial outdoor recreational areas including golf courses, miniature golf courses, swimming pools, and camp grounds.

- W. Drive-in restaurants.
- X. Bulk sale and storage of grain, fertilizer, and petroleum products.
- Y. Truck terminals.
- Z. Lumber yards.
- AA. Home office combination.
- BB. Outside storage for period of not less than 91 days and not more than one year.
- CC. Accessory building over 900 square feet in area in R-1 Districts under conditions specified in Section 165.22(3)(I), upon approval by the Board of Adjustment.

Before issuance of any conditional use permit for any of the listed buildings or uses the Board of Adjustment shall refer the proposed application to the Commission, which shall be given 45 days in which to make and file with the Clerk a report regarding the effect of such proposed buildings or uses upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the general welfare. No action shall be taken upon any application by the Board of Adjustment for a proposed building or use until and unless the report of the Commission has been filed; provided, however, if no report is filed with the Clerk within the 45 days, it shall be deemed that a positive recommendation of the application has been made by the Commission.

9. Front and Rear Yard Setbacks Along Railroad Rights-of-Way. Lots in which the rear yard abuts a railroad right-of-way and which are located in either the I-L Light Industrial District or the I-G General Industrial District, the front yard setback requirement shall be reduced to zero feet and the rear yard setback requirement shall be reduced to not less than five feet.

165.34 BOARD OF ADJUSTMENT.

1. Appointment and Membership. A Board of Adjustment, to be hereinafter referred to as the "Board," is hereby established. The Board shall consist of five members, each to be appointed by the Council for the term of five years. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

2. Rules; Meetings; General Procedure. The Board shall adopt rules of procedure in accordance with the provisions of this chapter. The Board shall elect its own Chairperson, who shall serve for one year. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and the presence of three members shall constitute a quorum. The Board shall 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 public record.

3. Jurisdiction; Powers. The Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms

of this chapter in harmony with its general purpose and intent and in accordance with the rules herein contained and provide that any property owner aggrieved by the action of the Council in the adoption of such regulations and restrictions may petition the Board of Adjustment directly to modify regulations and restrictions as applied to such property owner. The Board shall have the following powers and duties:

A. 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 this chapter.

B. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest in which, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. Special conditions shall include, but not be limited to, a property owner who can show that his or her property was acquired in good faith but by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations the strict application of the terms of this chapter actually prohibits the use of such property in a manner reasonably similar to that of other property in the district.

C. To hear and decide the issuance of Conditional Use Permits which the Board of Adjustment is empowered to issue under 165.33.

D. The Board of Adjustment is specifically authorized to permit the extension of a district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase as of the effective date of the Zoning Ordinance, but in no case shall extension of the district boundary line exceed 40 feet in any direction.

The Board of Adjustment in making an exception to the Zoning Ordinance shall be guided by the general rule that the exceptions shall by design, construction, and operation adequately safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property; shall not impair an adequate supply of light and air to adjacent property; shall not increase congestion in the public streets; shall not increase public danger of fire and safety; and shall not diminish or impair established property values in surrounding areas.

4. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator. Appeals must comply with the following:

A. An appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof.

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

C. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than

by a restraining order which may be granted by the Board or by a court of record on application on notice to the Zoning Administrator, and on due cause shown.

D. The Board of Adjustment, giving a reasonable time, shall fix a time, date, and place for the hearing on the appeal and shall publish notice of the public hearing upon the appeal in a paper of general circulation within the City at least seven days, but not more than 20 days, before date of public hearing.

E. The Board shall also notify by mail all property owners included in the proposed appeal and all adjacent property owners as found in the County Auditor's records of the scheduled hearing.

F. The notice of hearing shall be mailed at least 10 days prior to the hearing and shall contain a description of the property in question and a description of the proposed action.

G. At the hearing any party may appear in person or by agent or by attorney.

H. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the Clerk to be credited to the General Fund of the City, the cost of publishing said notice and the administrative costs of said appeal as determined by the Council.

I. In exercising the above mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper, and to that end shall have the powers of the Zoning Administrator.

J. The concurring vote of three 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; provided, however, the action of the Board shall not become effective until the action of the Board, setting forth the full reason for its decision and the vote of each member participating therein has been entered in the minutes.

K. Such action, immediately following the Board's final decision, shall be filed in the office of the City Clerk, open to public inspection, and shall be published in the official newspaper of the City.

165.35 BUILDING PERMIT AND SITE PLAN REQUIRED. No building or other structure, driveway, or sidewalk shall be erected, moved, demolished, or added to without a zoning/building permit therefor issued by the Zoning/Building Administrator. 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. Each application for a building permit shall be accompanied by a plan in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building for which the application is made and such other information as may be desirable to aid in the enforcement of this chapter. A record of the application and plats shall be kept in the office of the Zoning Administrator. Fees for zoning/building permits shall be imposed as follows:

Commercial and new home - \$250.00
Shed greater than 350 square feet - \$100.00
Shed 350 square feet or less - \$50.00
Deck or sidewalk - \$25.00

Permits shall expire two years after the date of issuance if work is begun within 180 days of issuance, or after 180 days if no substantial beginning of construction has occurred within that time. Extensions of time may be granted in writing by the Zoning/ Building Administrator upon showing of good cause.

165.36 AMENDMENTS. This section is intended to provide a procedure for changing district boundaries, district regulations, and other textual and map provisions of this chapter.

1. **Petition For Amendments.** A petition for an amendment to this chapter shall be filed with the Clerk and must contain and/or meet the following requirements:

- A. The name and address of petitioner.
- B. A statement that the petitioner is the owner or authorized agent of the owner of the property for which the change in district boundary or use is proposed.
- C. The address and description of the property for which the change is being sought.
- D. An accurate drawing of the site and surrounding area for a distance of at least 300 feet from each boundary.
- E. The name and address of adjacent property owners.
- F. Be accompanied by a filing fee of \$25.00.

Or a petition for an amendment to this chapter may be filed by the City Council on its own motion containing and/or meeting those requirements demanded by an individual petitioner by this section as the Council may believe to be applicable.

2. **Referral To Commission.** The Zoning Administrator shall refer the application for amendment to the Commission. The application shall be filed in the Office of the Zoning Administrator. It must be filed with the Commission at least 15 days before the Commission can act on it. Parties in interest shall be given mailed notice of the time and place of the meeting of the Commission at which the application will be considered, but the failure of a party in interest to receive such notice will not invalidate the action taken.

3. **Action by the Commission.** Within 30 days after the meeting at which the application is considered, the Commission shall transmit its recommendation for the disposition of the application to the Council. The Commission shall make one of the following recommendations:

- A. Approval of the amendment as presented by the applicant.
- B. Approval of the amendment with modifications.
- C. Denial of the amendment.

4. **Disposition by the Council.** Within 30 days of receipt of the Commission's recommendation, the Council shall place the petition for amendment on its agenda and shall hold at least one public hearing on it. Notice of public hearing shall be published in accordance with the requirements of State law. Parties in interest shall also be given mailed notice. Failure of the adjacent property owners to receive mailed notice or to attend the public hearing shall not invalidate the action taken. The Council shall act on the amendment by:

- A. Approval of the amendment.

- B. Approval of the amendment with modification.
- C. Denial of the amendment.

5. **Rejected Petitions.** Any proposed amendment which fails to receive the approval of the Commission or if there is a written protest against a change or repeal which is filed with the Clerk and signed by the owners of 20 percent or more of the area of the lots included in the proposed change or repeal, or by the owners of 20 percent or more of the property which is located within 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 of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

6. **Standards.** Prior to the Commission's recommending approval of an amendment, or the Council's approving an amendment, each body must determine that the proposed amendment will meet the following standards:

- A. It will in no way endanger public health, safety, morals, comfort, and general welfare.
- B. It will not be injurious to the enjoyment of other property in the immediate vicinity.
- C. It will not impede the orderly development and improvement of property in the City.

7. **Legal Costs.** Whenever a zoning ordinance is amended at the property owner's request or City property is transferred at an owner's request, the property owner shall be responsible for the legal fees associated with the action. The owner may retain his or her own attorney to prepare the required documents which will then be reviewed by the City Attorney for compliance or pay the City's legal fees associated with the document preparation or transfer.

165.37 VIOLATIONS SHALL CONSTITUTE MUNICIPAL INFRACTIONS. Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter or conditions contained in a building permit issued under this chapter, or who resists the enforcement of any of the provisions of this chapter, or a building permit issued under this chapter, commits a municipal infraction as defined in Section 364.22 of the *Code of Iowa*.

165.38 ENFORCEMENT. The Council shall appoint a Zoning Administrator and it shall be the duty of that officer to enforce this chapter. The Zoning Administrator may be a person holding other public office in the City.

165.39 REMEDIES FOR VIOLATION OF CONDITIONS OF BUILDING PERMIT, INCLUDING CIVIL PENALTIES. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this chapter, the Zoning Administrator, in addition to such other remedies provided by law, shall institute any proper action or proceedings, in the name of the City, to prevent, restrain or abate such unlawful activity. The Zoning Administrator is expressly authorized to impose civil penalties for a municipal infraction for violation of the express conditions of the building permit or a violation of this chapter, for which the penalty shall be as follows:

1. With respect to a building permit authorizing construction of a commercial building or new home, a civil offense punishable by a civil penalty of not more than \$750.00 for each violation or if the infraction is a repeat offense, a civil penalty not to exceed \$1,000.00 for each repeat offense.
2. With respect to a building permit authorizing construction or repair of an existing commercial building or home, a civil offense punishable by a civil penalty of not more than \$500.00 for each violation or if the infraction is a repeat offense, a civil penalty not to exceed \$750.00 for each repeat offense.
3. With respect to a building permit authorizing construction or repair of an auxiliary building exceeding 350 square feet, a civil offense punishable by a civil penalty of not more than \$400.00 for each violation.
4. With respect to a building permit authorizing construction or repair of an auxiliary building not exceeding 350 square feet, a civil offense punishable by a civil penalty of not more than \$200.00 for each violation.
5. With respect to a building permit authorizing construction or repair of a deck, fence or sidewalk, a civil offense punishable by a civil penalty of not more than \$100.00 for each violation.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

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[The next page is 801]

CHAPTER 166

SUBDIVISION REGULATIONS

166.01 Purpose	166.13 Physical Requirements
166.02 Jurisdiction	166.14 Contents of Preliminary Plat
166.03 Definitions	166.15 Final Plat Specifications
166.04 Preparation of Preliminary Plat	166.16 Design Standards
166.05 Clerk's Duties	166.17 Improvements Required
166.06 Commission's Duties	166.18 Fees
166.07 Council Duties	166.19 Variances
166.08 Final Plat	166.20 Recording
166.09 Approval	166.21 Permits
166.10 Plats Outside Corporate Limits	166.22 City Funds
166.11 Professional Assistance	166.23 Amendments
166.12 Preliminary Plat Required	

166.01 PURPOSE. This chapter is intended to provide for the harmonious development of the City and adjacent territory by establishing appropriate standards for streets, blocks, lots, utilities, and other improvements; by promoting coordination with existing development; and by establishing procedures and conditions for the approval of subdivisions of land, all in the interest of health, safety, and general welfare of the community.

166.02 JURISDICTION. All plats, re-plats or subdivisions of land into three or more parts for the purpose of laying out a portion of the City, an addition thereto or, pursuant to Section 354.9 of the *Code of Iowa*, suburban lots within two miles of the corporate limits of the City shall be submitted to the Council and the Commission in accordance with the provisions of this chapter and shall be subject to the requirements established herein.

166.03 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined. Also, as used herein, the word "building" shall include the word "structure."

1. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
2. "Aliquot part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
3. "Alley" means a permanent service way providing a secondary means of access to abutting lands.
4. "Auditor" means the Auditor of Marshall County, Iowa.
5. "Auditor's plat" means a subdivision plat required by either the Auditor or the Assessor, prepared by a surveyor under the direction of the Auditor.
6. "Building line" means a line established on a plat as a restrictive covenant, beyond which no building may be placed. The building lines need not correspond to the front, side or rear yard requirement established in the Zoning Ordinance, but where they do not, the most restrictive requirement will control.

7. "Clerk of Court" means the Clerk of Court of Marshall County, Iowa.
8. "Commission" means the Planning and Zoning Commission of the City.
9. "Conveyance" means an instrument filed with a recorder as evidence of the transfer of title to land, including any form of deed or contract.
10. "Cul-de-sac" means a short minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
11. "Developer" – see "subdivider."
12. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of this chapter.
13. "Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.
14. "Engineer" means the Engineer of Marshall County, Iowa.
15. "Final plat" means the map or drawing on which the subdivision plan is presented in the form which, if approved by the Council and Commission, will be filed and recorded with the Recorder.
16. "Forty-acre aliquot part" means one-quarter of one-quarter of a section.
17. "Government lot" means a tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
18. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.
19. "Metes and bounds description" means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.
20. "Official plat" means either an auditor's plat or a subdivision plat that meets the requirements of this chapter and has been filed for record in the offices of the Recorder, Auditor and Assessor.
21. "Parcel" means a part of a tract of land.
22. "Permanent real estate index number" means a unique number or combination of numbers assigned to a parcel of land.
23. "Plat of survey" means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
24. "Preliminary plat" means a study or drawings indicating the proposed manner of layout of the subdivision which is submitted to the Council and Commission for consideration.
25. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement or lien interest.
26. "Recorder" means the Recorder of Marshall County, Iowa.

27. "Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership on the effective date of the ordinance codified in this chapter.
28. "Street" means a right-of-way dedicated to and accepted for the public use, which affords the principal means of access to abutting property.
- A. "Thoroughfare street" means a street intended for cross-town or through traffic.
- B. "Collector street" means a street intended to carry vehicular traffic from residential streets to thoroughfares.
- C. "Residential street" means a street used primarily for access to abutting property.
29. "Street pavement" means the wearing or exposed surface of the street right-of-way used by vehicular traffic. The pavement width is measured from the back of the curb on one side to the back of the curb on the other side.
30. "Street right-of-way" means the area measured between property lines dedicated to and accepted for public use and providing access to abutting properties.
31. "Subdivider" means any person who lays out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for the subdivider or others.
32. "Subdivision" means the division of a separate tract of land into three or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land.
33. "Subdivision plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County where the land is located.
34. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B.
35. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.
36. "Treasurer" means the Treasurer of Marshall County,

166.04 PREPARATION OF PRELIMINARY PLAT. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared of the subdivision containing the information specified herein and shall file five copies and a reproducible sepia or tracing of plat with the Clerk.

166.05 CLERK'S DUTIES. The Clerk shall immediately transmit two copies of the preliminary plat to the Commission for study and recommendation and one copy to the City Attorney and one copy to the City Superintendent.

166.06 COMMISSION'S DUTIES. The Commission shall examine the plat as to its compliance with Iowa law, this chapter, and the comprehensive plan of the City and shall have 30 days within which to submit a recommendation to the Council, provided that the owner or developer may agree to an extension of time not to exceed 60 days.

166.07 COUNCIL DUTIES. The Council, upon receipt of the Commission's recommendation, or after 30 days or any extension thereof shall have passed, shall by resolution approve or reject the preliminary plat, provided the Council shall not have jurisdiction to act on the Commission's recommendation until seven days after its receipt by the Council. Approval of the preliminary plat by the Council shall constitute approval to proceed with preparation of the final plat but shall not be deemed approval of the subdivision.

166.08 FINAL PLAT. A final plat shall be submitted within 12 months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat must be resubmitted prior to presentation of a final plat.

166.09 APPROVAL. Upon approval of the final plat, a certification of approval signed by the Mayor, and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of it filed with the Clerk, Auditor and Recorder, along with such other certificate and instruments as may be required by law.

166.10 PLATS OUTSIDE CORPORATE LIMITS. With the adoption of the ordinance codified in this chapter, specific reference is made to Section 354.9(1) of the *Code of Iowa* granting the City the authority it is assuming over plats outside the corporate limits. Procedure for approval of preliminary and final plats of land within two miles of the corporate limits (but outside the corporate limits) shall be the same as set out in Section 166.12 et seq., except that two additional copies of the plat shall be filed with the Clerk and the Clerk shall refer one of the additional copies to the Engineer and the other to the Marshall County Planning and Zoning Commission and request their recommendations to be submitted to the Commission. The Commission may take action on the plat prior to receiving the recommendations of the County Planning and Zoning Commission.

166.11 PROFESSIONAL ASSISTANCE. The Council or the Commission with approval of the Council may employ such professional assistance as is deemed necessary to properly evaluate plats submitted.

166.12 PRELIMINARY PLAT REQUIRED. A preliminary subdivision plat is required when a tract of land is divided by repeated divisions or a simultaneous division into three or more parcels, any of which are described by metes and bounds descriptions for which no plat of survey is recorded. A subdivision plat is not required when land is divided by conveyance to a government agency for public improvements.

166.13 PHYSICAL REQUIREMENTS.

1. The original plat drawing shall remain the property of the surveyor.
2. The size of each plat sheet shall not be less than eight and one-half inches by eleven inches.
3. It shall be drawn to the scale of one hundred feet to one inch.
4. If more than one sheet is used, each sheet shall display both the number of the sheet and the total number of sheets included in the plat, and clearly labeled match lines indicating where other sheets adjoin. An index must be provided to show the relationship between the sheets.
5. The scale of the plat drawing shall be clearly stated and graphically illustrated by a bar scale on every plat sheet.

6. An arrow indicating the northern direction shall be shown on each plat sheet.

166.14 CONTENTS OF PRELIMINARY PLAT. The preliminary subdivision plat shall contain the following information:

1. A preliminary subdivision plat shall have a succinct name or title that is unique and which has been approved by the Auditor. The name in bold letters shall appear inside the margin at the top of each plat sheet.
2. The plat shall include an accurate description of the land included in the subdivision and shall give reference to two section corners within the United States public land survey system in which the plat lies or, if the plat is a subdivision of any portion of an official plat, two established monuments within the official plat.
3. Each lot within the plat shall be assigned a progressive number.
4. Streets, alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and shall have the proposed use clearly designated.
5. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of practical use or service as determined by the Council.
6. Progressive block numbers or letters may be assigned to groups of lots separated from other lots by streets or other physical features of the land.
7. The surveyor shall not assign lot numbers or letters to a lot shown within a subdivision plat unless the lot has been surveyed by the surveyor in compliance with Chapter 355 of the *Code of Iowa*.
8. Sufficient information including dimensions and angles or bearings shall be shown on the plat to establish accurately the boundaries of each lot, street, and easement.
9. Easements necessary for the orderly development of the land within the plat shall be shown and the purpose of the easement shall be clearly stated.
10. If a subdivision plat, described as part of the United States public land survey system and not entirely within an official plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for the portion of the subdivision that lies within each forty-acre aliquot part of the section. The area of irregular lots within a plat shall be shown and may be expressed in either acres, to the nearest one-hundredth acre, or square feet, to the nearest ten square feet. The surveyor shall not be required to establish the location of a forty-acre aliquot line by survey but is required to use reasonable assumptions in determining its approximate location for assessment and taxation purposes.
11. The plat shall show the lengths and bearings of the boundaries of the tracts surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing except when the boundary line has an irregular or constantly changing course as along a body of water, or when a description of the boundary line is better achieved by measurement shown at points or intervals along a meander line or an offset line having a shown course. The bearing shall be referenced to a United States public land survey system land line or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be

placed along the lines: "Recorded as (show recorded bearing, length, or location)." Bearings and angles shown shall be given to at least the nearest minute of arc.

12. The plat shall show and identify all monuments necessary for the location of the tracts and shall indicate whether the monuments were found or placed.

13. If United States public land survey system corners control the land description, the corners shall be clearly identified on the plat including a description of the monumentation and shall indicate whether the monuments were found or placed.

14. Control monuments shall be adequately described and clearly identified on the plat and noted as found or placed. If additional monuments are to be placed subsequent to the recording of the subdivision as provided in Section 355.6 of the *Code of Iowa*, the location of the additional monument shall be shown on the plat.

15. Survey data shall be shown to describe positively the bounds of every lot, block, street, easement, or other areas shown on the plat and the boundaries of the surveyed lands.

16. Distances shall be shown in feet to at least the nearest one-tenth of a foot in accordance with the definition of the international foot. Distance measurements shall refer to the horizontal plane.

17. Curve data shall be stated in terms of radius, central angle, and length of curve. Unless otherwise specified, curve data for streets of uniform width need only be shown with reference to the centerline and lots fronting on such curves need only show the chord bearing and distance of the part of the curve included in the lot boundary. Otherwise, the curve data shall be shown for the line affected.

18. The unadjusted error of closure shall not be greater than one in three thousand for subdivision boundaries and shall not be greater than one in three thousand for an individual lot.

19. If part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary and shown with as much certainty as can be determined or as "more or less," if variable. In all cases, the true boundary shall be clearly indicated on the plat.

20. Interior excepted parcels shall be clearly indicated and labeled, "not a part of this survey (or subdivision)."

21. Adjoining property shall be identified, and, if the adjoining properties are part of a recorded subdivision, the name of that subdivision shall be shown. If the survey is a subdivision of a portion of a previously recorded subdivision plat, sufficient ties shall be shown to controlling lines appearing on such plat to permit a comparison to be made.

22. The purpose of any areas dedicated to the public shall be clearly indicated on the plat.

23. The plat shall be accompanied by a description of the land included in the subdivision and shall contain a statement by the surveyor that the work was done and the plat was prepared by the surveyor or under the surveyor's direct personal supervision and shall be signed and dated by the surveyor and bear the surveyor's Iowa registration number and legible seal.

24. A copy of any restrictive covenants proposed by the subdivider shall be attached to the preliminary subdivision plat.

166.15 FINAL PLAT SPECIFICATIONS. The final subdivision plat shall conform to the approved preliminary plat and shall meet the following additional specifications:

1. Building lines if different than yard requirements of the Zoning Ordinance shall be clearly shown.
2. The location and dimensions of utility easements and certificate of utility easement dedication shall be clearly shown.
3. The final plat shall also be accompanied by the following instruments:
 - A. A statement by the proprietors and their spouses, 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 acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council;
 - B. One of the following:
 - (1) A certificate bearing the approval of the Council stating that all improvements and installations in the subdivision required by this chapter have been made or installed in accordance with the City specifications, or
 - (2) A surety bond with the City which will insure the City that the improvements required will be completed within two years after official acceptance of the plat. Provided, however, the developer may request and the Council may agree to stage the installation of improvements on an annual basis to serve those lots to be offered for sale or development in that particular year, in which case a bond may be required only for improvement to those lots so designated. The form and type of bond shall be approved by the City Attorney, and the amount of the bond shall not be less than the amount of the estimated cost of the improvements plus 10 percent and the amount of the estimate must be approved by the Council. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the same, or
 - (3) A petition by the developer to the Council to provide the necessary improvements and to assess the costs thereof against the subdivided property in accordance with the requirements regarding special assessments, provided, however, that the subdivider or property owners shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement plus the necessary and reasonable costs of the assessment proceedings against the platted property even though the total amount exceeds the statutory limitations.

If Option (2) or Option (3) above is chosen, the final plat shall state that the developer, the grantees, assignees and successors in interest agree that public services including but not limited to street maintenance, snow and ice removal, rubbish, refuse and garbage collection will not be extended to this subdivision until the pavement is completed and accepted by the City.

4. The final plat shall also be accompanied by the following instruments at the time it is presented for filing with the County Recorder:

A. 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. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

B. 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. Utility easements shall not be construed to be encumbrances for the purpose of this section.

C. 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*.

D. A certified resolution by each governing body, as required by Section 354.8 of the *Code of Iowa*, either approving the subdivision or waiving the right to review.

E. A subdivision plat which includes no land set apart for streets, alley, parks, open areas, school property, or public use other than utility easements, shall be accompanied by the documents listed in Paragraphs 3A, 4A, 4B, 4D and a certificate of the Treasurer that the land is free from certified taxes other than certified special assessments.

The Council or Commission may request drafts or copies of any of the above instruments for examination at the time of processing the final plat if in their opinion a review of such instruments is deemed necessary to evaluate properly the proposed subdivision.

166.16 DESIGN STANDARDS.

1. Streets. New subdivisions shall make provision for continuation and extension of thoroughfares and collector streets.

2. Rights-of-way. Minimum street rights-of-way to be provided shall be as follows:

- A. Thoroughfare streets – 80 feet
- B. Collector streets – 70 feet
- C. Residential streets – 66 feet
- D. Cul-de-sacs – 110 feet in outside diameter
- E. Alleys, residential – 16 feet
- F. Alleys, commercial or industrial – 20 feet

3. Pavement Widths. Minimum pavement widths measured back of curb to back of curb shall be provided as follows:
 - A. Thoroughfare streets – 38 feet
 - B. Collector streets – 36 feet
 - C. Residential streets – 32 feet
 - D. Cul-de-sacs – 85 feet in outside diameter
 - E. Alleys – 16 feet
 - F. Sidewalks – 4 feet
4. Street Grade. No street grade shall be less than one-half of one percent and shall not exceed the following limits:
 - A. Thoroughfare streets – 4 percent
 - B. Collector streets – 6 percent
 - C. Residential streets – 8 percent
5. General Considerations. Subdivisions shall be subject to the following general considerations:
 - A. Intersections of more than two streets at a point shall not be permitted.
 - B. Jogs of less than 125 feet shall be avoided.
 - C. Intersection of street centerlines shall be between 80 degrees and 100 degrees.
 - D. No dead-end streets and alleys will be permitted except at subdivision boundaries.
 - E. Cul-de-sacs shall not exceed 500 feet in length.
 - F. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof.
 - G. Alleys shall be discouraged in residential districts but shall be provided in commercial and industrial districts.
 - H. If no provision is made for alleys in a residential district, utility easements shall be provided, the locations and dimensions of which shall be determined by the Council. Generally such easements shall be centered on rear and/or side lot lines and shall be aligned from block to block. At deflection points easements for pole anchors shall be provided as necessary.
6. Blocks. The length of blocks shall be not less than 350 feet and not more than 440 feet. The width of the block shall be sufficient to permit two tiers of lots but in no case shall the width be less than 220 feet.
7. Crosswalks. Crosswalks may be required in areas where curved streets require excessive pedestrian travel. If required they shall be constructed by the subdivider.
8. Corner Lots. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of 15 feet at the intersection. Corner lots shall not be less than 80 feet in width.

9. Interior Lots. Interior lots shall not be less than 70 feet in width at the building line.
10. Double Frontage Lots. Lots with double frontage shall be avoided except in specific locations where good platting indicates their use.
11. Lot Side Lines. Side lines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide better street and lot layout.

166.17 IMPROVEMENTS REQUIRED.

1. Sanitary Sewers. The subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with a sanitary sewer outlet approved by the Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension into adjoining properties. The sanitary sewers shall be constructed in accordance with the City's Wastewater Operating Policy and applicable ordinances in effect at the time of the filing of the preliminary plat.
2. Storm Drains. The subdivider shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes, to provide for collection and removal of all surface waters, and these improvements shall extend to the subdivision boundaries as necessary to provide for extension into or onto adjoining properties. The storm sewers shall be constructed in accordance with the City's Streets and Storm Sewer Extension Policy in effect at the time of the filing of the preliminary plat.
3. Water. The subdivider shall provide the subdivision with a complete water main system including hydrants, valves, and all other appurtenances which shall extend to the subdivision boundaries as necessary to provide for the extension into adjoining properties; shall provide for a water connection for each lot; and shall be connected to the City water system. The water mains shall be constructed in accordance with the City's Water Operating Policy and applicable ordinances in effect at the time of the filing of the preliminary plat.
4. Electric. The subdivider shall provide the subdivision with an adequate electric distribution system which shall extend to the subdivision boundaries as necessary so as to provide for the extension of service to adjoining properties. The electric system shall be constructed in accordance with the City's Electric Operating Policy and applicable ordinances in effect at the time of the filing of the preliminary plat.
5. Sidewalks. A four foot wide concrete sidewalk shall be provided adjacent to each lot frontage.
6. Grading. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Council.
7. Surfacing. All streets being dedicated for public use shall be surfaced. Surfacing shall be as determined by the Council and shall be constructed in accordance with the City's Streets and Storm Sewer Extension Policy in effect at the time of the filing of the preliminary plat.
8. Specifications. The type of construction, the materials, and the methods and standards of subdivision improvements shall be of a quality equal to the current specifications of the City for similar work. Plans and specifications shall be submitted

to the Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

9. **Inspection.** The Council shall cause the installation of all improvements to be inspected to insure compliance with the requirements of this chapter. The cost of the inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the City.

166.18 FEES. Each preliminary plat submitted for approval shall be accompanied by a fee of \$10.00, which shall be credited to the General Fund of the City.

166.19 VARIANCES. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter.

166.20 RECORDING. No plat or subdivision in the City or within two miles thereof shall be recorded or filed with the Auditor or Recorder nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.

166.21 PERMITS. Not more than two building permits shall be issued for each separate tract existing on March 18, 1992, the effective date of the ordinance codified herein, unless the tract shall have been platted in accordance with the provisions of this chapter.

166.22 CITY FUNDS. No public improvements over which the Council has control shall be made with City funds, nor shall any City fund be expended for street maintenance, street improvements or other services in any area that has been subdivided after the effective date of the ordinance codified in this chapter unless such subdivision has been approved in accordance with this chapter.

166.23 AMENDMENTS. This chapter may be amended from time to time by the Council. Such amendments as may be proposed shall first be submitted to the Commission for study and recommendation. The Commission shall report within 30 days, after which the Council shall give notice of and hold a public hearing on the proposed amendment in the same manner as that required for amendment of the Zoning Ordinance. The amendment shall become effective from and after its adoption and the publication as required by law.

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