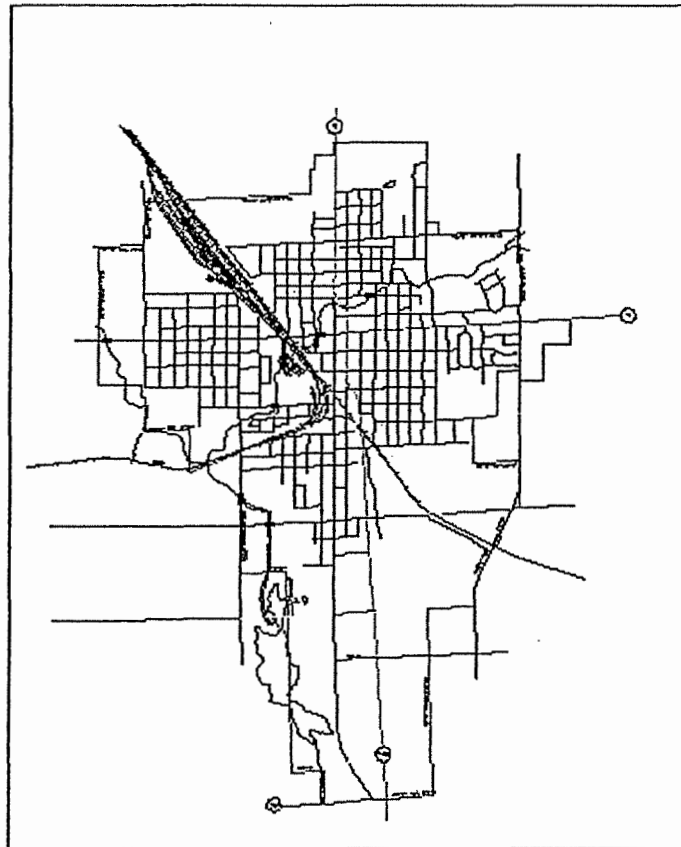


City of Oelwein Zoning Ordinance/ Subdivision Regulations Flood Plain Regulations



Prepared by:
Upper Explorerland Regional Planning Commission
P.O. Box 219
Postville, IA 52162
February, 1999

Zoning Ordinance

CITY OF OELWEIN, IOWA

Zoning Ordinance/Subdivision Regulations

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Prepared by:
Upper Explorerland Regional Planning Commission
Postville, Iowa
February 1999

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ORDINANCE NO. 670

A ZONING ORDINANCE TO UPDATE ORDINANCE NO. 456 AS AMENDED AND TO ENACT A NEW ZONING ORDINANCE FOR THE CITY OF OELWEIN, IOWA, IN ACCORDANCE WITH ARTICLE 414, SECTIONS 414.1 TO 414.22 OF THE IOWA STATE STATUTES FOR THE PURPOSE OF REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES;

ESTABLISHING BOUNDARIES OF DISTRICTS DEEMED BEST SUITED TO CARRY OUT THE PROVISIONS OF THIS ORDINANCE; REQUIRING THE ISSUANCE OF BUILDING PERMITS BEFORE THE ERECTION, CONSTRUCTION, RECONSTRUCTION, CONVERSION, ALTERATION, ENLARGEMENT, EXTENSION, RAZING, OR MOVING OF ANY BUILDING OR STRUCTURE; PROVIDING FOR PERMIT FEES; DEFINING CERTAIN TERMS, PROVIDING A SEPARABILITY CLAUSE; AND, PROVIDING PENALTIES FOR VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa:

ARTICLE I

ESTABLISHMENT OF DISTRICTS

Section 101. USE DISTRICTS

The City is hereby divided into districts:

- A-1 Agricultural
- R-1 Residential -- Single Family Dwelling
- R-2 General Residential District
- R-3 Mobile Home Park
- R-4 Mobile Home Park
- C-1 Commercial -- Central Business District
- C-2 Highway Commercial
- I-1 Industrial Park
- I-2 Light Industrial
- I-3 Heavy Industrial
- P-1 Professional, Medical and Health Care Services

Section 102. DISTRICT BOUNDARIES

The provisions of this Ordinance shall apply within the corporate limits of the City of Oelwein, Iowa, as now or hereafter fixed.

District boundaries are shown on the "Official Zoning Map of the City of Oelwein, Iowa" said map being as much a part of this Ordinance as if fully described herein. Where uncertainty exists as to boundaries, the following rules shall apply:

following rules shall apply:

- 102.1 Where districts are bounded approximately by street or alley lines, the centerline of streets or alleys shall be construed to be the boundaries.
- 102.2 Where districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundaries.
- 102.3 Where bounded approximately by neither streets, alleys, or lots, boundaries shall be determined by the Commission.
- 102.4 Whenever any street, alley, or other public way is officially vacated, the zoning district on either side shall be automatically extended to the centerline of said vacation.

Section 103. EXTENT OF REGULATIONS WITHIN EACH DISTRICT

Except as hereinafter provided:

- 103.1 No building or structure shall be erected, moved, converted, reconstructed, or enlarged, nor shall any building, structure, or land be used, except in conformance with the provisions of this Ordinance.
- 103.2 No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall any required yard have any structure or use placed within it, except as hereinafter specified, nor shall any required yard or open space be considered as providing yard or open space for any other building. Lots of record existing at the time of the adoption of this Ordinance may be used in accordance with regulations of each district and provided that all front, side, and rear yards are met.

Section 104. DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the following meaning:

- 1. ACCESSORY USE: A use or building naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings. Accessory buildings shall not be larger than the main or principal building, and shall not intrude into the minimum front yard requirement. Said accessory structures shall be single story stick-built construction w/proper footings & constructed in compliance w/the Oelwein Bldg Code. Any such accessory structure that will house farm animals, animals wild by nature or a kennel, shall be located no less than 100 ft. from an existing residential
- 2. AGRICULTURAL USE: Any agricultural use, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry. (Provided all livestock is raised at least one thousand [1,000] feet from any other zoning district within the City Limits of Oelwein.)
- 3. ALLEY: A public right-of-way which is used primarily as a secondary means of access to the abutting property.
- 4. APARTMENT: A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family, located in a building containing three (3) or more such rooms or suites or located in a building devoted primarily to non-residential use.
- 5. BASEMENT: A "basement" is a story partly underground but having at least one-half (1/2) of the height of one or more walls above the highest level of the adjoining ground. A basement shall be counted as a story under the provisions of this chapter.

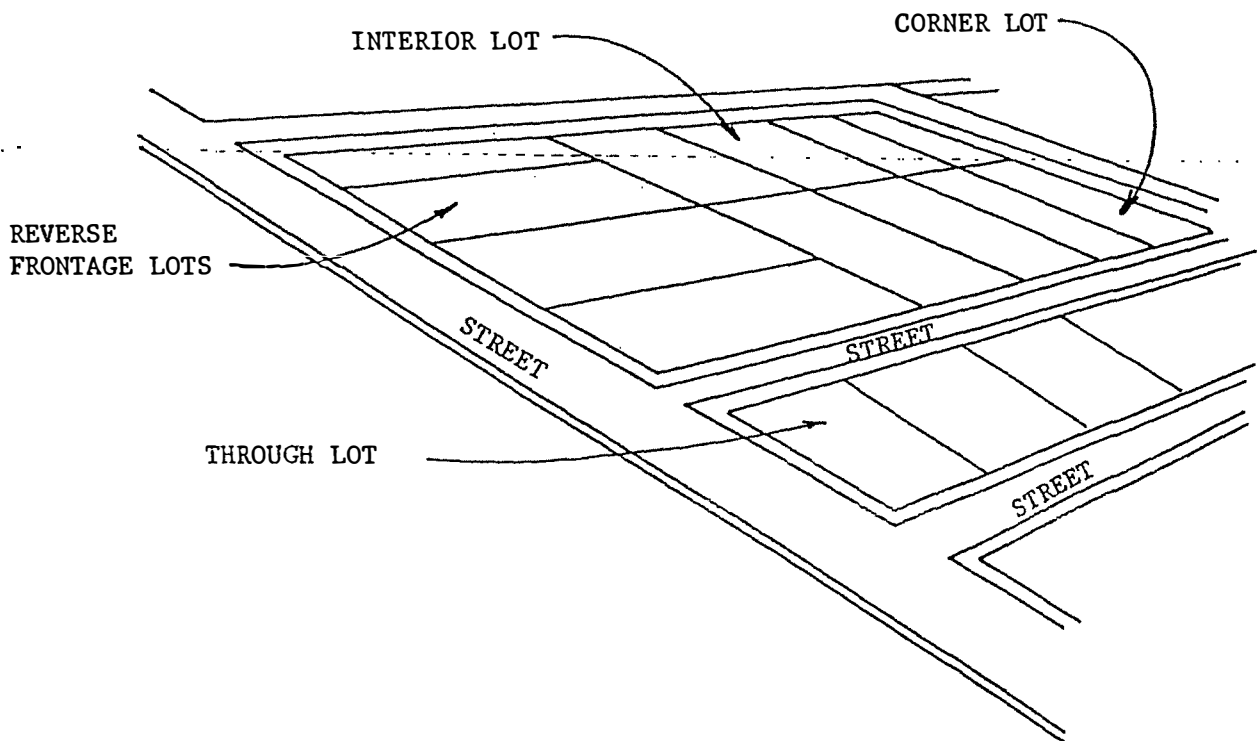
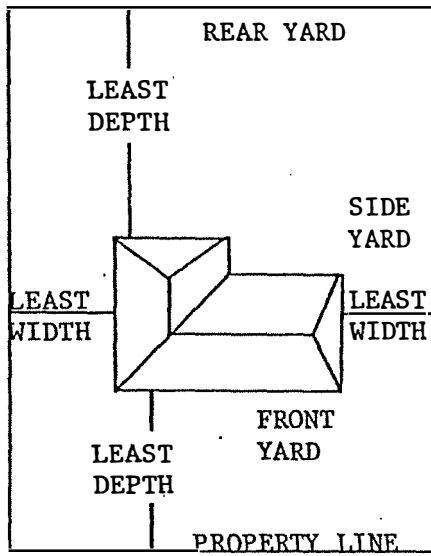
SUBJECT TO THE CITY OF OELWEIN ILLINOIS

6. **BOARDING ROOMING HOUSE:** A building containing not more than five (5) guest rooms, where lodging is provided, with or without meals, for compensation. This term shall include tourist homes, guest homes, or guest houses.
7. **BLOCK FRONTAGE:** All of the property on one side of a street between two intersecting streets.
8. **BOARD:** Board of Adjustment, of Oelwein, Iowa.
9. **BUILDING:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property and forming a construction that is safe and stable.
10. **BUILDING, HEIGHT OF:** The vertical distance from the grade (elevation of the curb, sidewalk, or average elevation of the ground around the structure) to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs. The maximum height of accessory building shall be fifteen feet (15') to the peak.
11. **BUILDING LINE:** The extreme overall dimensions of a building from the foundation line. Distances are to be measured from the most outwardly extended position of the structure. See "Yard".
12. **BUILDING PERMIT:** A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.
13. **BUSINESS:** The word "business" or commercial when used herein refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of office, recreational or amusement enterprises.
14. **BUSINESS SERVICES:** Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or business.
15. **CARPORT:** Space for the storage or housing of motor vehicles and enclosed on not more than two (2) sides by walls, and not necessarily attached to the principal building.
16. **CELLAR:** A story having more than one-half (1/2) of the height of all walls below the highest level of the adjoining ground. A cellar shall not be considered as a story for the purpose of this chapter.
17. **CLINIC (DENTAL OR MEDICAL):** A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.
18. **COMMISSION:** The Planning Commission of Oelwein, Iowa.
19. **CONVALESCENT HOME:** A building or premises on or on which care is provided for two (2) or more invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases. Nursing homes are convalescent homes.

20. **DAY CARE CENTER:** The facilities of any dwelling, institution or organization which, for profit or non-profit, are used in the temporary care of six (6) children or more at any one time.
21. **DISTRICT:** A section or sections of the area of the City of Oelwein for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.
22. **DWELLING OR RESIDENCE:** A building or structure used in whole or in part for human habitation.
23. **DWELLING OR RESIDENCE, SINGLE-FAMILY:** A building containing one dwelling unit.
24. **DWELLING OR RESIDENCE, TWO-FAMILY:** A building containing two dwelling units, commonly referred to as a duplex.
25. **DWELLING OR RESIDENCE, MULTIPLE:** A dwelling or residence containing three or more dwelling units.
26. **DWELLING UNIT:** One or more rooms arranged, designed, and used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included.
27. **ENFORCING/ADMINISTRATIVE OFFICER:** The Building Inspector of the City of Oelwein, Iowa.
28. **ENTERTAINMENT FACILITIES:** Any activity conducted for gain which is generally related to the entertainment field, such as but not limited to, motion picture theaters, bowling alleys, roller skating rinks, miniature golf, golf driving ranges, commercial swimming pools, carnivals, and related uses.
29. **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, electrical substations, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.
30. **FAMILY:** An individual, or two or more persons related to one another by blood, marriage, or legal adoption, including foster children, and not more than two roomers; or in the alternative, not more than three unrelated persons.
31. **FARM:** An area which is used for the growing of the usual farm products such as vegetables, fruit trees and grain, and their storage, as well as for raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the feeding of garbage or offal to swine or other animals.

32. **FLOOR AREA (USABLE):** The sum of the gross horizontal areas of all floors of a building measured from the interior faces of the exterior walls, but not including cellar or basement space not used for retaining.
33. **FREE STANDING SIGN:** Any sign within the meaning of Definition No. 61 which is, in the opinion of the Building Inspector, safely constructed, self-supporting, and detached from any building or structure on the site where located. For purposes of this ordinance, this does not include portable signs.
34. **FRONTAGE:** All the property abutting upon one side of a street measured along the right-of-way line.
35. **GARAGE, PRIVATE:** A building used only for the housing of motor vehicles, without their equipage for operation, repair, hire, or sale.
36. **HOME OCCUPATION:** Any occupation or profession customarily conducted entirely within a dwelling and occupying no more than fifty (50) percent of the floor area of one (1) story of the dwelling; employment is limited to the proprietor and one (1) person; signs are limited to size not to exceed six (6) square feet in area and shall be non-illuminated; the dwelling and premises shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance, the emission of odor, gas, smoke, dust, noise or similar activity and the structure shall not include any features by design not customarily found in residential buildings.
37. **HOTEL:** A building occupied as the more or less transient abiding place of individuals who are lodged with or without meals and in which sleeping rooms are usually occupied independently and meals served by an adjacent or attached commercial facility and where required parking is provided on adjacent lots.
38. **INDUSTRY, LIGHT:** Any light manufacturing or industrial processing, which by nature of the materials, equipment, and process utilized are to a considerable measure clean, quiet, and free of any objectionable or hazardous element. Light manufacturing includes the uses listed below and any other uses that are determined by the Board of Adjustment to be of the same general character: bakeries, bottling, jewelry, musical instruments, plastic products and sporting goods; processing and assembly of glass products, household appliances, electronic products, and parts for production of finished equipment; printing and engraving plants; cleaning and dyeing plants.
39. **INDUSTRY, HEAVY:** Any heavy manufacturing or industrial processing, which by nature of the materials, equipment and process utilized cannot eliminate entirely objectionable features and influences but which, never the less, must be provided for somewhere in the City.
40. **INSTITUTIONAL HOMES:** A building used for the full time care or home for three or more babies, children, adults, pensioners or the aged, except correctional or mental institutions.
41. **JUNKYARD OR SALVAGE YARD:** An open area on any lot or parcel of land which is used for storage, abandonment or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, motor vehicles, or other vehicles or parts thereof.
42. **LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance including one main building together with its accessory building, open spaces, and parking spaces required by this Ordinance, and having its principal frontage upon a street.

43. LOT AREA: The area of a horizontal plan, bounded by the front, side and rear lot lines.
44. LOT DEPTH: The horizontal distance between the front line and the rear lot line.
45. LOT, INTERIOR: An interior lot is any other lot than a corner lot.
46. LOT WIDTH: The distance between the side lot lines. In the case of a lot of irregular shape, the maximum width shall be the lot width.
47. LOT LINE, FRONT: Any lot line abutting the public right-of-way. Corner and through lots have multiple frontage and front lot lines. (Ord. 831, 3/12/90)
48. LOT LINE, REAR: The lot line opposite and most distant from the front lot line.
49. LOT LINE, SIDE: Any lot line, other than a front lot line, or a rear lot line.
50. LOT, THROUGH: A lot running through the block from street to street.
51. LOT OF RECORD: A lot or parcel of land, the deed to which has been recorded in the Office of the County Recorder prior to the adoption of this Ordinance.
52. MANUFACTURED HOME: Any occupied vehicle used or so constructed as to permit it being used as a conveyance upon the public streets and highways and duly licensed as such, and shall include self-propelled or non self-propelled vehicles so designed, constructed, reconstructed or added to by means of an enclosed addition or room in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons, having no permanent foundation and supported by wheels, jacks or similar supports.
53. MANUFACTURED HOME PARK: Any lot or parcel two or more acres used for one or more manufactured homes, mobile homes, trailer coaches, or other portable or mobile shelters used for living purposes. This term shall include trailer park and trailer court.
54. MOTEL: A permanent building or group of buildings designed or arranged primarily for temporary occupancy, so laid out as to provide off-street space on the same lot for parking vehicles used by the traveling public. Such building or group of buildings may include quarters of a more permanent nature for the use of operating or attached commercial facility. Motel shall also include the terms auto courts, tourist courts, motor lodges, motor inns, motor hotels and similar terms.
55. NON-CONFORMING USE: Any building or land lawfully occupied by a use at the time of passage of this Ordinance which does not conform with the use regulations of the district within which it is located, in effect prior to the adoption of this Ordinance.
56. PARKING SPACE: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile (not less than nine feet wide and twenty feet long) connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one motor vehicle.
57. PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, valet service, watch repairing, barber shops, beauty parlors, and related activities.



58. **PRE-SCHOOL NURSERY:** The facilities or any dwelling, institution or organization which, for profit or non-profit, are used in the temporary care of six (6) children or more at any one time.
59. **PROFESSIONAL ACTIVITIES:** The use of offices and related spaces for such professional services, such as but not limited to, as provided by doctors, dentists, lawyers, architects, engineers and realtors.
60. **PUBLIC USES:** Public parks; schools; and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.
61. **RECREATIONAL FACILITIES:** Country clubs, riding stables, golf courses and other private non-commercial recreation areas and facilities or recreation centers including private community swimming pools.
62. **RECYCLING PLANT:** A facility in which recyclables, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used in new products. This term shall not include junk and/or salvage yards.
63. **SETBACK:** The required distance between a lot line and the closest wall of a conforming structure on the lot.
64. **SIGN:** Any advertisement, announcement, director, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured, or colored material on any building, structure, or surface. Signs placed or erected by governmental agencies or non-profit civic associations for a public purpose in the public interest shall not be included herein, nor shall this include signs which are part of the architectural design of a building.
65. **SEMI-PUBLIC USES:** Churches, Sunday Schools, parochial schools, colleges, hospitals, and other institutions of an education, religious, charitable or philanthropic nature.
66. **SOCIAL ACTIVITIES:** Any building and land used for private or semi-private club activities, including lodges, fraternities and similar activities.
67. **SPECIAL EXCEPTION:** A use not in specific conformity with the provisions of this Ordinance, which may be allowed by the Board of Adjustment after public hearing.
68. **STORY:** That portion of a building other than a cellar included between the surface of the floor next above it, or, if there is no floor above it, the space between the floor and the ceiling next above it.
69. **STREET:** A right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.
70. **STRUCTURES:** Anything constructed or erected, the use of which requires permanent location on the ground.
71. **STRUCTURAL ALTERATION:** Any change in structural members of a building, such as walls, columns, beams, or girders.

72. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure where by the cost of restoring the structure to its before damaged condition would equal or exceed sixty-five (65) percent of the market value of the structure before the damage occurred.
73. **SUBSTANTIAL IMPROVEMENT:** A repair, reconstruction or improvement of a structure, the costs of which equals or exceeds sixty-five (65) percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. Market value shall be determined by the local assessor's office or by two separate certified real estate evaluations. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any alteration or to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in national or State Registers of historic places.
74. **VARIANCE:** A legal modification or variation of the provisions of this Ordinance as applied to a specific piece of property.
75. **YARD:** An open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and main building.
76. **YARD, FRONT:** A yard extending across the front of a lot between the side lot lines and measured between the street line and the main building or any projection thereto, other than the projection of the usual steps, terraces, unenclosed porches, entrance ways, cornices, eaves, or gutters.
77. **YARD, REAR:** A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches, entrance ways, cornices, eaves, or gutters.
78. **YARD, SIDE:** A yard between the main building and the side line of the lot and extending from the front lot line to the rear lot line.

Section 105. PERFORMANCE STANDARDS

Activities shall be authorized only if they meet the following standards:

Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

Noise. At the lot or property line, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I, after applying the correction shown in Table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, N.Y., shall be used).

72. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure where by the cost of restoring the structure to its before damaged condition would equal or exceed sixty-five (65) percent of the market value of the structure before the damage occurred.
73. **SUBSTANTIAL IMPROVEMENT:** A repair, reconstruction or improvement of a structure, the costs of which equals or exceeds sixty-five (65) percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. Market value shall be determined by the local assessor's office or by two separate certified real estate evaluations. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any alteration or to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in national or State Registers of historic places.
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TABLE I

| Frequency Range Containing Octave Bands in Cycles per Second | Octave Band Sound Pressure Level in Decibels re 0.0002 dynes/cm ² |
|--|--|
| 20 - 300 | 60 |
| 300 - 2400 | 40 |
| above 2400 | 30 |

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 P.M. and 7:00 A.M., one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

TABLE II

| Type of Location of Operation or Character of Noise | Correction in Decibels |
|--|------------------------|
| 1. Daytime operation only | Plus 5 |
| 2. Noise source operated less than: (apply one of these corrections only) | |
| a. 20% of any one-hour period | Plus 5 |
| b. 5% of any one-hour period | Plus 10 |
| 3. Noise of impulsive character, such as hammering | Minus 5 |
| 4. Noise of periodic character, such as humming or screeching | Minus 5 |

Smoke. No emission shall be permitted at any point from any chimney or otherwise or visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart published by the McGraw-Hill Publishing Company, Inc., and copyright 1954 (being a direct facsimile reduction of a standard Ringlemann Chart as issued by the United States Bureau of Mines) except that visible grey smoke a shade equal to No. 3 on said chart may be emitted to four (4) minutes in any thirty (30) minute period of time.

Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantity as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air, at the lot line. There is hereby established as a guide in determining

such quantities of offensive odors, Table III, "Odor Thresholds," in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling at any point at or beyond the property. No emissions shall be permitted in excess of the standards specified in Table I, Chapter 5, "Industrial Hygiene Standards, Maximum Allowable Concentrations," of the "Air Pollution Abatement Manual," copyright 1951 by the Manufacturing Chemists' Association, Inc., Washington, D.C. In no event shall any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations, exceed 0.3 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and fifty (50) per cent excess air.

Vibration. The use shall not include vibration which is discernible without instruments on any adjoining lot or property.

Glare. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

Overtax Public Utilities and Facilities. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities, unless provision is made for any necessary adjustments.

Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless by design, set-back, nature of operation, and other devices of the character of the neighborhood will be maintained.

General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare of the community.

SECTION 201. A-1 AGRICULTURAL DISTRICT

STATEMENT OF INTENT

The A-1 Agricultural District includes areas appropriate for agriculture and related uses, and is intended to reserve areas suitable for non-agricultural use until the land is needed for development in accordance with a future land use plan.

201.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

| | | |
|----|--|---|
| 1. | Farms agricultural uses, orchards and . . . plant nurseries | None |
| 2. | Single family dwellings | 2 spaces per unit |
| 3. | Public uses | 5 spaces for each acre developed for active usage |
| 4. | Golf courses and country clubs except . . . courses and driving ranges operated for profit | 3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever greater |
| 5. | Cemeteries | 20 spaces which may be located on interior drives |
| 6. | Churches | 1 space for every 4 seats in the main auditorium |
| 7. | Semi-Public use | 5 spaces for each acre developed for active use |
| 8. | Essential services | None |
| 9. | Railroads | None |

201.2

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises.
2. Farm buildings incidental to agricultural uses.
3. Private garages, swimming pools, tennis courts, gardens and greenhouses not operated for commercial purposes.
4. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.
5. Roadside stands for the sale of produce raised on the premises.

201.3

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 705 and other requirements contained herein, the Board of Adjustment may permit the following

1. Agricultural service businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; the sale of . . . supplements; the buying and temporary storage of wool or hides; trenching and tiling; but not including the sale or display of farm mach petroleum products, building materials, or appliances; provided that the business has no exterior display or open storage of materials visible from public road; produces no offensive noise, vibration, smoke dust, odor, heat, glare, or electrical interference detectable within the limits of the nearest dwelling other than that of the owner or operators and that one (1) parking space for each employee and one (1) space for each vehicle used by the business and seven (7) customer parking spaces be provided.

Mining, quarrying, lumbering and extraction of minerals and raw materials including facilities for storing and transporting such materials; provided that such use shall not adversely affect surrounding properties; that 1 parking space for each employee and each vehicle used by the operation be provided; that prior approval of the special exception a plan be submitted to and approved by the Board of Adjustment for restoration of the area to a condition compatible with the surrounding area upon conclusion of the operation.

3. Tourist campground provided that water and sewage disposal systems are approved by the City or County Board of Health; that drives shall have all weather surface; that no campsite is closer than 50 feet to any property line; and that one (1) parking space for each employee plus one (1) for each campsite be provided.
4. Animal hospital or clinic with one parking space per employee plus four additional spaces.
5. Airports with 1 parking space per employee plus 1 space per airplane hangar space.
6. Commercial roadside stands with 3 parking spaces.
7. Home occupations.

201.4
MINIMUM LOT AREA AND WIDTH

| | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT |
|---|---|-----------------------|
| Area 20,000 square feet Width . . . 100 feet | Front 50 feet Rear 25 feet Side 8 feet When adjoining any residence or residential district there shall be a side yard of 25 feet. | 45 feet |

201.5 **PERMITTED SIGNS**

1. Identification signs and home occupations signs not to exceed six (6) square feet in area.
2. Church or public bulletin boards not to exceed thirty-two (32) square feet in area.
3. Farmstead home occupation signs and agricultural service business signs identifying the business or service not to exceed one hundred fifty (150) square feet in area.
4. Temporary signs (not more than 6 months) advertising the sale or lease of the premises not to exceed thirty-two (32) square feet in area.
5. Permitted signs shall be located at least 2 feet, or the height of the sign inside the lot line, with a maximum height of thirty-five (35) feet.
6. No use shall have more than one (1) of each type of sign permitted for that use, although each sign may be a double faced or back to back sign.
7. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
8. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed.
9. Signs which are located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or which does not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic as determined by the Administrative Officer.
10. Any sign, permanent or temporary, larger than 6 square feet, shall require a sign permit.

201.6 **SPECIAL REQUIREMENTS**

1. Poultry, livestock or fur bearing animals shall be kept a minimum distance of 300 feet from the nearest residential development. This does not apply to the usual keeping of household pets not for commercial use.

SECTION 202. R-1 RESIDENTIAL DISTRICT

STATEMENT OF INTENT

The R-1 Single Family Residential District is intended to include areas of lower density residential development where utilities are present available, and areas suitable for future residential development where utility service can be reasonably extended contiguous to existing development within the corporate limits.

202.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

| | | |
|----|---|--|
| 1. | Single family and two-family dwellings . . . | 1 space per family unit |
| 2. | Parks and recreation areas not operated for profit . . . | 5 spaces for each acre developed for active usage |
| 3. | Community meeting or recreation building not operated for profit | 1 space for every 50 square feet of floor area |
| 4. | Golf courses and country clubs except miniature . . . courses and driving ranges operated for profit | 3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever is greater |
| 5. | Churches | 1 space for every 5 seats in the main auditorium |
| 6. | Elementary and secondary schools | 1 space for each classroom and office plus 1 space for every 6 seats in the main auditorium or stadium |
| 7. | Public uses | 5 spaces for each acre developed for active usage |
| 8. | Semi-public uses | 5 spaces for each acre developed for active usage |
| 9. | Essential services | None |

202.2

PERMITTED ACCESSORY USES AND STRUCTURES

- Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises. Accessory buildings shall be located a minimum of five (5) feet from the rear lot line.
- Private garages, swimming pools, tennis courts, gardens and greenhouses not operated for commercial purposes.
- Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.
- A detached building shall be located a minimum of four (4) feet from the principal structure, and sixty (60) feet from the front property line.
- Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side, and rear set-back regulations.
- Garages opening onto the alley shall have a rear yard of fifteen (15) feet.
- ~~The maximum combined size of detached or attached building(s) are not to exceed 1000 square feet of combined floor area and the maximum height to the peak shall be fifteen feet (15'). (Ord. No. 1010-02-10-2003.)~~ Replaced w/ Ord 1156 next page.

202.3

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 705 and other requirements contained herein, the Board of Adjustment may permit the following:

- Public housing developments, rest, nursing and convalescent homes; homes for orphans and aged on sites of one (1) acre or provided that such use is compatible with surrounding development and that off street parking be provided as follows:

ORDINANCE NO. 1156

aug 2017

An Ordinance Amending Oelwein Zoning NO. 971 to Amend Section 202 and 203 Accessory Structures in R1 and R2 Residential

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. The following will be changed in R-1 Residential District

Replace Section 202.2 (7) with the following:

Section 202.2(7) (a) Parcels of less than .5 acres may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 1,500 square feet of combined floor area and height to the peak not to exceed 18 feet.

Section 202.2(7) (b) Parcels of less than 3 acres but larger than .5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 2,000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 202.2(7) (c) Parcels of 3 acres or larger may allow for accessory structure(s) attached or detached of 5000 square feet of combined floor area and height to the peak not to exceed 35 feet.

Section 2. The following will be changed in R-2 Residential District

Replace Section 203.2 (7) with the following:

Section 203.2(7) (a) Parcels of less than .5 acres may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 1,500 square feet of combined floor area and height to the peak not to exceed 18 feet.

Section 203.2(7) (b) Parcels of less than 3 acres but larger than .5 acre may allow for accessory structure(s) attached or detached of maximum combined size not to exceed 2,000 square feet of combined floor area and height to the peak not to exceed 20 feet.

Section 203.2(7) (c) Parcels of 3 acres or larger may allow for accessory structure(s) attached or detached of 5000 square feet of combined floor area and height to the peak not to exceed 35 feet.

Section 3. The following will be changed in R-1 Residential District by adding:

202.6(3) Temporary structures that do not have a permanent foundation are not allowed.

- a. Public housing developments not for the elderly: One (1) space per unit.
- b. All others: One (1) space for every two (2) beds.

Railroads and utility systems and substations but not including equipment storage buildings or yards or administrative or sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty (20) feet, and that one (1) parking space per substation and one (1) per employee on the site be provided.

- 3. Private schools, nursery schools and Day-Care Centers provided that such use will not adversely affect surrounding properties; that all necessary precautions and safeguards be taken to minimize the non-residential character, traffic, parking and noise of the use and that three (3) off-street parking spaces plus one (1) space per employee be provided.
- 4. Social activities with one parking space for every 50 square feet of floor area *Ord No 1156 less than .5 acres may allow for accessory structure attached or detached of max combined size not to exceed 1,500 sq ft of combined floor area and height to peak not to exceed 18 ft.*
- 5. Home occupations *1,500 sq ft of combined floor area and height to peak not to exceed 18 ft.*
- 6. Cemeteries with 20 parking spaces which may be located on interior drives. *less than 3 acres-larger than .5 not to exceed 2,000 sq ft-height not to exceed 20'*
- 7. Funeral homes with one parking space for every 4 seats in the main chapel. *2,000 sq ft-height not to exceed 20'*
- 8. ~~Oversized buildings and garages. (Ord. No. 1010, 02-10-2003.)~~ *deleted ord 1156* *3 acres & larger 5,000 sq ft combined floor area-height to peak not to exceed 38'*
- 9. ~~Parcels of less than 20 acres but larger than 3 acres may allow for accessory structure(s) of maximum combined size not to exceed 1500 square feet of combined floor area and a height to the peak not to exceed a maximum of 18 feet.~~ *deleted ord 1156*
- 10. ~~Parcels of 20 acres or larger may allow for accessory structures of unrestricted square feet of combined floor area and a height to the peak not to exceed a maximum of 35 feet.~~ *deleted ord 1156*

202.4

| MINIMUM LOT AREA AND WIDTH | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT |
|----------------------------|---------------------------|----------------|
|----------------------------|---------------------------|----------------|

| | | |
|----------------------------------|-------------------------|--|
| Single family dwellings | Front 25 feet | 35 feet |
| Area 7,000 square feet | Rear 25 feet | |
| Width 60 feet | Side 8 feet | Accessory buildings shall not exceed 15 feet in height to peak |

EXCEPT: Any lot existing & platted prior to Nov. 9, 1970, the minimum lot area shall be 6,000 sq. ft.

EXCEPT: The side yard shall not be less than 5 feet on any existing lot that is less than sixty (60) feet in width.

Two Family dwellings

| |
|-----------------------------------|
| Area 10,000 square feet |
| Width 60 feet |

EXCEPT: Any lot existing and platted prior to November 9, 1970, the minimum lot area shall be 6,000 square feet.

202.5 PERMITTED SIGNS

- 1. Identification and home occupation signs not to exceed six (6) square feet in area.
 - 2. Church or public bulletin boards not to exceed thirty-two (32) square feet in area.
 - 3. Temporary signs (not more than six (6) months) advertising the sale or lease of the premises not to exceed six (6) square feet in area.
 - 4. Permitted signs shall be located at least the height of the sign inside the lot line.
 - 5. No use shall have more than one (1) of each type of sign permitted for that use, although each sign may be a double faced or back to back sign.
 - 6. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
 - 7. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed.
 - 8. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device which does not obstruct, or interfere, with the driver's view of approaching, merging or intersecting traffic as determined by the Administrative Officer.
- Any sign, permanent or temporary, larger than six (6) square feet shall require a sign permit.

202.6 SPECIAL REQUIREMENTS

- 1. The R-1 District shall observe the fencing and shrubbery requirements as prescribed in Article 401 of this Ordinance.
- 2. Steel corrugated siding is prohibited on buildings over 10' x 10' in size. (Ord. No. 1010, 02-10-2003.)
- 3. temporary structures that do not have a permanent foundation are not allowed. Ord 1156

SECTION 203. R-2 GENERAL RESIDENTIAL DISTRICT

STATEMENT OF INTENT

The R-2 General Residential District is intended to accommodate single and multi-family residential development at a greater density than the R-1 District. It is generally limited to already developed areas but may be expanded to include appropriate areas for new development of low-cost or multi-family housing within the corporate limits.

203.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

| | | |
|-----|--|---|
| 1. | Single family | 1 space per unit |
| 2. | Two family dwellings | 1 space per family unit |
| 3. | Multi-family dwellings | 1.5 spaces per unit |
| 4. | Rooming and boarding houses | 1 space per bed or suite |
| 5. | Parks and recreation areas not operated . . for profit | 5 spaces for each acre developed for active usage |
| 6. | Community meeting or recreation buildings . . not operated for profit | 1 space for every 50 square feet of floor area |
| 7. | Churches | 1 space for every 5 seats in the main auditorium |
| 8. | Elementary and secondary schools | 1 space for each classroom and office plus 1 space for every 6 seats in the main auditorium or stadium |
| 9. | Public Uses | 5 spaces for each acre developed for active usage |
| 10. | Semi-public Uses | 5 spaces for each acre developed for active usage |
| 11. | Essential services | None |

203.2

PERMITTED ACCESSORY USES AND STRUCTURES

- Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises. Accessory buildings shall be located a minimum of five (5) feet from the rear lot line.
- Private garages, swimming pools, tennis courts, gardens and greenhouses not operated for commercial purposes.
- Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.
- A detached building shall be located a minimum of four (4) feet from the principal structure, and sixty (60) feet from the property line.
- Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side, and rear set-back yard regulations.
- Garages opening onto the alley shall have a rear yard of fifteen (15) feet.
- ~~The maximum combined size of detached or attached building(s) are not to exceed 1000 square feet of combined floor area, and the maximum height to the peak shall be fifteen feet (15'). (Ord. No. 1010, 02-10-2003.)~~ Ord 1156 page 7-18

203.3

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 705 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Public housing developments, rest, nursing, convalescent homes and hospitals; homes for orphans and aged on sites of one (1) acre or more; provided that such use is compatible with surrounding development and off-street parking be provided as follows:
 - a. Public housing developments not for the elderly: One (1) space per unit.
 - b. All others: One (1) space for every two (2) beds.
2. Railroads and utility distribution systems and substations but not including equipment storage buildings or yards or administrative or sales office, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty (20) feet, and that two (2) parking spaces per substation or one (1) per employee on the site be provided.
3. Private schools, nursery schools and Day-Care Centers provided that such use will not adversely affect surrounding properties; that all necessary precautions and safeguards be taken to minimize the non-residential character, traffic, parking and noise of the use and that three (3) off-street parking spaces plus one (1) space per employee be provided.
4. Social activities with one parking space for every 50 square feet of floor area.
5. Home occupations.
6. Cemeteries with 20 parking spaces which may be located on interior drives.
7. Funeral homes with one parking space for every 4 seats in the main chapel.
8. ~~Oversized buildings and garages. (Ord. No. 1010, 02-10-2003)~~ deleted ord 1156

| 203.4 MINIMUM LOT AREA AND WIDTH | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT |
|--|--|---|
| Single family dwellings Area 7,000 square feet Width 60 feet EXCEPT: Any lot existing and platted prior to November 9, 1970, the minimum lot area shall be 6,000 square feet. | Front 25 feet Rear 25 feet Side 8 feet EXCEPT: The side yard shall not be less than 5 feet on any existing lot that is less than sixty (60) feet in width. | 45 feet Accessory buildings shall not exceed 15 feet in height to peak. |
| Two Family dwellings Area 10,000 square feet Width 60 feet EXCEPT: Any lot existing and platted prior to November 9, 1970, the minimum lot area shall be 6,000 square feet. | 203.2 7(a) | Ord # 1156 Parcels less than .5 acres allow for accessory structure max combined size not to exceed 1,500 sq ft of combined floor area and height to peak not to exceed 18' |
| Multi-family dwellings Area 11,500 square feet for 3 units plus 1,500 feet for each additional unit Width 60 feet | 203.2 7(b) 203.2 7(c) | less than 3 acres, larger than .5 may allow for combined area not to exceed 2,000 sq ft and peak not to exceed 20' 3 acres and larger allowed for 5,000 sq ft and height to peak not to exceed 35' |

- 203.5 PERMITTED SIGNS**
1. Identification and home occupation signs shall not exceed six (6) square feet in area.
 2. Church or public bulletin boards not to exceed thirty-two (32) square feet in area.
 3. Temporary signs (not more than six (6) months) advertising the sale or lease of the premises not to exceed six (6) square feet in area.
 4. Permitted signs shall be located at least the height of the sign inside the lot line.
 5. No use shall have more than one (1) of each type of sign permitted for that use, although each sign may be double faced or back to back.
 6. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
 7. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed.
 8. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device which does not obstruct, or interfere, with the driver's view of approaching, merging or intersecting traffic as determined by the Administrative Officer.
- Any sign, permanent or temporary, larger than 6 square feet, shall require a sign permit.

- 203.6 SPECIAL REQUIREMENTS**
1. The R-2 District shall observe the fencing and shrubbery requirements as prescribed in Article 401 of this Ordinance.
 2. Steel corrugated siding is prohibited on buildings over 10' x 10' in size. (Ord. No. 1010, 02-10-2003.)
 3. Temporary structures that do not have a permanent foundation are not allowed. Ord 1156

STATEMENT OF INTENT

The R-3 Mobile Home Park District is established to accommodate mobile home parks where their use will be compatible with existing and indicated future development.

204.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

| | | |
|----|---|---|
| 1. | Single family units | 1 space per unit |
| 2. | Two family units | 1 space per family unit |
| 3. | Parks and recreation areas not operated for profit . . | 5 spaces for each acre developed for active usage |
| 4. | Community meeting or recreation building . . . not operated for profit | 1 space for every 50 square feet of floor area |
| 5. | Laundromat | 1 space per 300 square feet of floor area |
| 6. | Essential services | None |

204.2

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises.
2. Private garages, swimming pools, tennis courts, gardens, and greenhouses not operated for commercial purposes.
3. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.
4. A detached building shall be located a minimum of four (4) feet from the principal structure, and sixty (60) feet from the property line.
5. Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side, and rear set-back yard regulations.
6. Garages opening onto the alley shall have a rear yard of fifteen (15) feet.
7. Accessory buildings shall have a minimum of three (3) feet side yard.
8. The maximum combined size of detached or attached building(s) are not to exceed 1000 square feet of combined floor area, and the maximum height to the peak shall be fifteen (15) feet.

204.3

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 705 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Railroads and utility distribution systems and substations but not including equipment storage buildings or yards or administrative or sales office, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide yards of not less than twenty (20) feet, and that one (1) parking space per substation or one (1) per employee on the site be provided.
2. Home occupations.
3. Private schools, nursery schools, Day Care Centers. Minimum off-street parking shall include 3 spaces plus 1 space for each employee.
4. Oversized buildings and garages. (Ord. No. 1010, 02-10-2003.)

204.4
MINIMUM LOT
AREA AND WIDTH

MINIMUM YARD REQUIREMENTS
FOR MOBILE HOMES

MAXIMUM HEIGHT
FOR MOBILE HOMES

Mobile Home
 Area 3,500 square feet
 Width 35 feet

Front 10 feet
 Rear 5 feet
 Side 3 feet

2 stories or 20 feet

Permanent Single Family Unit

Area 7,000 square feet
 Width 60 feet

MINIMUM YARD REQUIREMENTS FOR
PERMANENT-BUILT HOMES

MAXIMUM HEIGHT FOR
PERMANENT-BUILT HOMES

Permanent Two family unit

Area 10,000 square feet
 Width 60 feet

Front 25 feet
 Rear 25 feet
 Side 8 feet

35 feet

Accessory building shall
 not exceed 15 feet in height
 to peak.

EXCEPT: The side yard shall
 not be less than 5 feet on
 any existing lot that is less
 than sixty (60) feet in width.

204.5

PERMITTED SIGNS

1. Identification and home occupation signs not to exceed six (6) square feet in area.
2. Church or public bulletin boards not to exceed thirty-two (32) square feet in area.
3. Temporary signs (not more than six [6] months) advertising the sale or lease of the premises not to exceed six (6) square feet in area.
4. Permitted signs shall be located at least the height of the sign inside the lot line.
5. No use shall have more than one (1) of each type of sign permitted for that use, although each sign may be double-faced or back-to-back sign.
6. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
7. All signs shall be maintained in a neat and presentable condition; and in the event their use shall cease, they shall be promptly removed.
8. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device which does not obstruct, or interfere, with the driver's view of approaching, merging or intersecting traffic as determined by the Administrative Officer.
9. Any sign, permanent or temporary, larger than six (6) square feet shall require a sign permit.

204.6

SPECIAL REQUIREMENTS

1. The R-3 District shall observe the fencing and shrubbery requirement as prescribed in Article 401 of this Ordinance.
 A buffer zone of twenty-five (25) feet shall be provided around the entire perimeter of the mobile home park.
2. Steel corrugated siding is prohibited on buildings over 10' x 10' in size. (Ord. No. 1010, 02-10-2003.)

SECTION 205. R-4 MOBILE HOME PARK DISTRICT

STATEMENT OF INTENT

The R-4 Mobile Home Park District is established to accommodate mobile home parks where their use will be compatible with existing development.

205.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

- | | | |
|----|---|--|
| 1. | Single family units | 1 space per unit |
| 2. | Community meeting or recreation building . . . not operated for profit | 1 space for every 50 square feet of floor area |
| 3. | Essential services | None |
-

205.2

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises. Accessory buildings shall be located a minimum of five (5) feet from the rear lot line.
 2. Private garages, swimming pools, tennis courts, gardens, and greenhouses not operated for commercial purposes. The combined size of attached or detached accessory buildings shall not exceed 500 square feet nor 15' in height to peak. (Ord. No. 1010, 02-10-2003.)
 5. A detached building shall be located a minimum of four (4) feet from the principal structure.
 4. Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side, and rear set-back yard regulations.
 5. Accessory buildings shall have a minimum of three (3) feet side yard.
-

205.3

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 705 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Private schools, nursery schools, Day Care Centers. Minimum off-street parking shall include 3 spaces plus 1 space for each employee.
2. Oversized buildings and garages. (Ord. No. 1010, 02-10-2003.)

| 205.4 MINIMUM LOT AREA AND WIDTH | MINIMUM YARD REQUIREMENTS FOR MOBILE HOMES | MAXIMUM HEIGHT FOR MOBILE HOMES |
|--|--|--|
| | Front 0 on Private Street Front 10 on Public Street Rear 5 feet Side 3 feet | 15' maximum for accessory buildings |

205.5 PERMITTED SIGNS

1. Identification signs not to exceed six (6) square feet in area.
2. Church or public bulletin boards not to exceed thirty-two (32) square feet in area.
3. Permitted signs shall be located at least the height of the sign inside the lot line.
4. All signs shall be maintained in a neat and presentable condition; and in the event their use shall cease, they shall be promptly removed.
5. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device which does not obstruct, or interfere, with the driver's view of approaching, merging or intersecting traffic as determined by the Administrative Officer.
6. Any sign, permanent or temporary, larger than six (6) square feet shall require a sign permit.

205.6 SPECIAL REQUIREMENTS

1. The R-4 District shall observe the fencing and shrubbery requirement as prescribed in Article 401 of this Ordinance.
2. Buildings shall adjoin or have access to a public or private road or yard on not less than one side. Required yards shall be permanently maintained.
3. For the purposes of determining the required wall and opening protection and roof-covering requirements, buildings on the same property shall be assumed to have a parallel property line with equal distance between dwellings.
4. Fire resistance of Exterior Walls –
 - A. Exterior walls less than three feet of assumed property line shall not be less than one hour fire rated measured at right angles from the property line and at a straight line between two structures.
 - B. Projections beyond the exterior wall shall not extend beyond –
 1. A point one third the distance to the property line from an assumed vertical plane located where fire-resistive protection of openings is first required due to location on property, or
 2. More than 12 inches into areas where openings are prohibited.
 - C. Door or window openings not permitted less than three feet from property line.

Any permitted opening from dwelling into an attached enclosed garage or storage area to have a one hour fire rating.

STATEMENT OF INTENT

The C-1 Central Business District is intended to accommodate general retail and professional office uses and promote the efficient and compact development of the central business district, the area to which the use of this district is limited.

206.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

1. Automotive display, sales, service, and repair.....
2. Dry cleaners or laundry.....
3. Liquor store.....
4. Clubs and lodges.....
5. Retail businesses.....
6. Real estate, insurance and financial institutions.....
7. Personal service and repair shops.....
8. Business and professional offices, banks, and studios.....
9. Medical, dental and chiropractic clinics except veterinary shops.....
10. Restaurants, night club, cafe or tavern.....
11. Public buildings and utilities but not including open storage, maintenance yards, or storage buildings.....
12. Public garages, storage garages and parking lots.....
13. Beauty and barber shops.....
14. Printing, publishing and engraving.....
15. Dance or music schools.....
16. Plumbing, heating and air conditioning shops.....
17. Commercial amusements.....
18. Lumber yard.....
19. Social activities.....
20. Public uses.....
21. Essential services.....
22. Dwelling units above any permitted use.....
23. Radio or television broadcasting station.....
24. Wholesale business.....
25. Entertainment facilities.....
26. Motels and hotels.....
27. Funeral home.....

No off-street parking required in this district except where indicated

1 space per unit
1 space for every four (4) seats in the main chapel

206.2

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, including accessory uses and structures applicable to any existing residence in such district.
2. Storage warehouses used in conjunction with the permitted principal uses or structures of this district.
3. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.
4. Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side, and rear setback yard regulations.

206.3 SPECIAL EXCEPTION USES AND STRUCTURES

- Multi-family dwellings/apartments.
- 2. Equipment sales and repair.
- 3. Transport terminals.
- 4. Height limitations greater than 75 feet.

206.4 MINIMUM LOT AREA AND WIDTH MINIMUM YARD REQUIREMENTS MAXIMUM HEIGHT

| | | |
|-----------------------------|----------------------------------|----------------------|
| Commercial Activities | Front None | 75 feet |
| None | Side None except | |
| Multi-Family dwelling | where a side yard is adjacent | EXCEPT: as permitted |
| Area 6,000 square | to an "R" district the adjoining | by special |
| feet plus 1,000 square | yard shall be not less than 15 | exception. |
| feet for each unit over | feet. | |
| three. | Street side, Corner lot | |
| Width None | Same as side yard above | |
| | Rear 15 feet | |

206.5 PERMITTED SIGNS

- 1. Temporary signs (not more than six [6] months) advertising the sale or lease of the premises not to exceed thirty-two (32) square feet in area.

Advertising signs, trade, business or industry identification signs for the business located on the site provided that the following requirements are met:
 - a. Two (2) free standing signs per business not to exceed 25 feet in height and 100 square feet per face. A total of two signs are allowed, free standing and portable, in combination, but no more than one of either type. (Ord. 696, 10/13/81)
 - b. Signs attached to a building shall not project above the height of the building or more than eight (8) feet from the wall of the building, not to exceed 100 square feet.
 - c. No surface mounted sign shall exceed 150 square feet in area or cover more than ten (10) percent of the building face on which it is located. (Ord. 696, 10/13/81)
- 3. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed.
- 4. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device which does not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic as determined by the Administrative Officer.
- 5. Signs which do not resemble any traffic sign, signal, or device. Revolving beacons are prohibited.
- 6. No projecting wall sign shall be attached to a wall of a building at a height less than eight (8) feet above the sidewalk or ground.
- 7. No use shall have more than one of each type of sign permitted for that use, although each sign may be double faced or back-to-back sign.
- 8. Any sign, permanent or temporary, larger than six (6) square feet shall require a sign permit.

9. Portable signs on sidewalk in C1 district self ord 1067
 206.6 **SPECIAL REQUIREMENTS** 8-28-2006

- No outside storage shall be permitted for rental storage facilities.
- 2. No store front storage. (Ord. No. 1010, 02-10-2003.)
- 3. No apartments or sleeping area on ground level or below ground level. (Ord. No. 1010, 02-10-2003.)

SECTION 207. C-2 COMMERCIAL - HIGHWAY COMMERCIAL DISTRICT

STATEMENT OF INTENT

The C-2 Highway Commercial District is intended to accommodate uses which ordinarily serve the traveling public and commercial uses which generally require substantial land area and access to a major traffic artery.

207.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

| | | |
|-----|---|---|
| 1. | Automotive display, sales, service, and repair. | |
| 2. | Farm implement display, sales, service and repair | 1 space/600 square feet of sales, service or office floor area |
| 3. | Plant nursery and garden supplies sales ... | |
| 4. | Lumberyard or building material sales | |
| 5. | Restaurant, night club, cafe or tavern, liquor store | 1 space/100 square feet floor area |
| 6. | Dance hall and skating rink | 1 space/100 square feet floor area |
| 7. | Drive-in eating and drinking establishment .. | 5 spaces/500 square feet of floor area |
| 8. | Bowling alley | 5 spaces/lane or alley |
| 9. | Drive-in bank | one space/employee |
| 10. | Motel, hotel, tourist camp ground | 1 space/unit or campsite |
| 11. | Dwelling unit in conjunction with any <i>deleted 9-22-08</i> | |
| 12. | permitted commercial use | 1 space/unit (Ord-819, 4/25/89) |
| | Bus terminal | 6 spaces plus one off-street loading space for each bus serving the terminal |
| 13. | Funeral Home | 1 space/4 seats in the main chapel |
| 14. | Railroads and public utilities but not including storage or maintenance yards and buildings | 1 space/employee plus 1 space/vehicle used by the facility |
| 15. | Monument, marker display and sales | |
| 16. | Plumbing, heating and air conditioning sales, service, and repair | |
| 17. | Drive-in theater | Storage lanes outside ticket booth to accommodate 10% of the theater capacity |
| 18. | Golf driving range, miniature golf | 3 spaces/tee plus 1 space/employee |
| 19. | Radio or television broadcasting station ... | 5 spaces plus 1 space/employee |
| 20. | Research and testing facilities | |
| 21. | Animal hospitals or clinics | 1 space/300 square feet of floor area |
| 22. | Professional activities | |
| 23. | Public uses | 5 spaces for each acre developed for active usage |
| 24. | Semi-public uses | 5 spaces for each acre developed for active usage |
| 25. | Essential services | |
| 26. | Public garages, storage garages, and parking lots | None |
| 27. | Recycling Plant | 5 spaces plus one space/employee |
| 28. | Wholesale Business | One space/employee |
| 29. | Any use permitted in the C-1 District | 1 space/600 square feet of sales, service or office floor area |

207.2

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, including accessory uses and structures applicable to any existing residence in such district.
2. Storage facility used in conjunction with the permitted principal uses or structures of this district.
3. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed upon completion of the construction work.
4. Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side and rear setback yard regulations.

207.3

SPECIAL EXCEPTION USES AND STRUCTURES

The Board of Adjustment may authorize the following special exception within the C-2 Commercial District:

a. Multiple-family dwellings and apartments

b. *dwelling unit in conjunction w/any permitted commercial use* 9.22-08 Ord 1098

207.4

MAXIMUM AREA AND WIDTH HEIGHT

MINIMUM YARD REQUIREMENTS

MAXIMUM

| | | |
|---|---|---------|
| Commercial Activity | Front 25 feet | 75 feet |
| None | Side none | |
| Multi-family dwellings | Rear 15 feet | |
| Area . . . 10,500 square feet plus 1,500 square feet for each unit over three | Where adjacent to any residence or "R" District the adjoining yard or yards shall be not less than 25 feet. | |
| Width . . . None | | |

207.5

PERMITTED SIGNS

1. Temporary signs (not more than six months) advertising the sale or lease of the premises, not to exceed thirty-two (32) square feet in area.
2. Advertising signs, trade, business or industry identification signs for the business located on the site provided that the following requirements are met:
 - a. Two (2) free standing signs per business not to exceed 25 feet in height and 100 square feet per face. A total of two signs permitted free standing and portable in combination, but no more than one of either type. (Ord. 696, 10/13/81)
 - b. Signs attached to a building shall not project above the height of the building or more than eight (8) feet from the wall of the building, not to exceed 100 square feet.
 - c. No surfaced-mounted sign shall exceed 150 square feet in area or cover more than ten (10) percent of the building face on which it is located. (Ord. 696, 10/31/81)
3. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed.
4. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device which does not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic as determined by the Administrative Officer.
5. Signs which do not resemble any traffic sign, signal, or device. Revolving beacons are prohibited.
6. No projecting wall sign shall be attached to a wall of a building at a height less than eight (8) feet above the sidewalk or ground.
7. No use shall have more than one of each type of sign permitted for that use, although each sign may be double faced or back-to-back sign.
8. Any sign, permanent or temporary, larger than six (6) square feet shall require a sign permit.

207.6

SPECIAL REQUIREMENTS

1. No merchandise display or exterior storage shall be provided in any required front yard or in the first ten (10) feet inside the property line of any required side or rear yard.
2. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property, or interfere with a traveled portion of a public street.
All unsurfaced yard areas shall be covered with a suitable, well maintained, perennial ground cover or landscape plantings.
4. No outside storage shall be permitted for rental storage facilities.
5. No store front storage. (Ord. No. 1010, 02-10-2003.)
6. ~~No apartments or sleeping area on ground level or below ground level spaces (Ord. No. 1010, 02-10-2003.)~~

deleted 9.22.2008 Ord no. 1098

SECTION 208. I-1 INDUSTRIAL PARK DISTRICT

STATEMENT OF INTENT

The I-1 Industrial Park District is intended and designed to provide for increased flexibility in the location of certain manufacturing and industrial uses while maintaining protection for surrounding Districts. It also allows selected industries of a non-nuisance character to locate in the area near residential uses. The I-1 District is characterized by large lots, with landscaped grounds and ample provisions for off-street parking and loading spaces, and structures generally one (1) or two (2) stories in height.

208.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

1. Compounding, processing and blending of chemical products
2. Laboratories or research establishments; data processing; experimental photography
3. Processing, fabricating and assembling of light weight products; packaging
4. Assembling and storage of electrical appliances, electronic instruments and devices, radios, and phonographs, and related small parts
5. Manufacturing, storing or processing of merchandise from bones, cellophane, canvas, cloth, cork, fiber, grass, paper products, air, horn, plastic, leather products, exclusive of tanning or tanneries; precious or semiprecious stones; including establishments for printing; manufacture of cutlery or edge tools, bolts, nuts, washers, rivets; refrigerators and refrigeration equipment; clocks, watches, jewelry, jeweler's findings; lighting fixtures and equipment; bedsprings, furniture, wooden boxes, caskets, wood products (shaped, fabricated or turned), cabinets, and abrasives; shells, textiles, wood yard and paint (not employing a boiling process)
6. Manufacturing, processing, storing or compounding of cosmetics, drugs, and perfumes, manufacturing of clay (except brick or tile), metal, glass or plastic products, soaps, toiletries
7. Manufacturing, packing, and storing of pharmaceutical preparations
8. Manufacturing, packing, and storage of foods or beverages for human consumption, except slaughter houses
9. Carting, expressing, hauling or storage yards provided that there shall be no outside storage; or as enclosed by an architectural or landscaped screen that prevents visual access to such storage
10. General Administrative offices

One parking space for each one and one-fourth (1 1/4) employees of maximum number working at any one time, with provision for expansion to accommodate maximum expected employment level at that location

11. Manufacturing, warehousing, assembly and distribution of batteries and related battery parts and accessories. (Ord. No. 1144 4/25/2016)

208.2

PERMITTED ACCESSORY USES AND STRUCTURES

.one

208.3

SPECIAL EXCEPTION USES AND STRUCTURES

The Board of Adjustment may authorize the following special exceptions within the I-1 Industrial Park District:
None

208.4

MINIMUM LOT AREA AND WIDTH

MINIMUM YARD REQUIREMENT

MAXIMUM HEIGHT

Area 0 acres
Width None

Front 50 feet
Rear 30 feet

2 stories or ~~45~~⁷⁵ feet

If the rear yard fronts on a street, the depth of the rear yard shall not be less than the depth of the front yard. In addition, where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirement need not apply.

Ord 1101
3-23-09

Side The Width

of the said yard on each side of the lot or tract shall be equal to the height of the building adjacent to the side lot line, provided, however, that in no case shall the side yard on each side of the lot or tract be less than twenty (20) feet, and provided further that where a side yard abuts a residential district or lic park, such side yard shall not be less than thirty (30) feet; in the event that a side yard also abuts a street, the side yard shall have the same width as depth of the front yard.

208.5

PERMITTED SIGNS

1. Any sign permitted may contain only the name and location of the business. The sign may not exceed the height of the structure upon which it is mounted and no flashing sign will be permitted. The sign may be illuminated provided that all lighting and reflections must be shielded to prevent stray light from creating a nuisance on the other property.
2. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device which does not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic as determined by the Administrative Officer.

208.6

SPECIAL REQUIREMENTS

1. All roadways, parking and loading areas are to be surfaced to provide all weather surfaces.
2. All areas except for the area covered by buildings and other structures, driveways, sidewalks, and the planting and growing of trees, shrubs, lawns and other ground covering creating a park-like atmosphere or for well-maintained farm crops, provided that minimum front, side and rear yards are maintained. Landscaping must be planned to compliment neighborhood sites and must be maintained in a park-like manner.
3.
 - a. Outside storage of raw materials or unfinished products is permitted only if it is enclosed by an architectural or landscaped screen eight feet in height that prevents visible access to such storage. Use of required front and side setback space shall not be used for the storage of raw materials or unfinished products.

This provision shall not prohibit the outside storage of finished products arranged to compliment neighborhood sites and maintained in a park-like manner. (Ord. 831, 3/13/90)
 - b.. The storage or use of hazardous flammables, either solid, liquid or gas shall be in accordance with approved standards.

SECTION 209. I-2 LIGHT INDUSTRIAL DISTRICT

STATEMENT OF INTENT

The I-2 Light Industrial District is designed to accommodate various industrial and warehousing uses and through the use of appropriate standards encourage the development of an area that is aesthetically pleasing with minimal adverse effects on adjoining properties.

209.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

| | | |
|-----|---|---|
| 1. | Manufacturing and processing uses that create no offensive noise, dust, odor, vibration or electrical interference, for all of the following uses | |
| 2. | Wholesaling and warehousing uses but not including the bulk storage of anhydrous ammonia or petroleum products under pressure .. | |
| 3. | Food processing including the manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and the rendering or refining of fats and oils | 1 space for each employee plus 1 space for each vehicle used by the industry |
| 4. | Contractors' shop and storage yard | |
| 5. | Research and testing facilities | |
| 6. | Public utilities including storage buildings and yards | |
| 7. | Truck and freight terminal | |
| 8. | Building fabrication, including mobile homes, display and sales | |
| 9. | Welding, machine and repair shops | |
| 10. | Animal hospitals and kennels | |
| 11. | Plumbing, heating, air conditioning and sheet metal shops | |
| 12. | Automotive paint and body shops | |
| 13. | Automobile and farm implement display, sales, service, and repair | |
| 14. | Lumber yards and buildings materials, sales, and storage | |
| 15. | Recycling plant | |
| 16. | Railroads | None |
| 17. | Public Uses | 5 spaces for each acre developed for active usage |
| 18. | Essential services | None All uses shall provide at least 1 loading space for every 10,000 square feet of floor area or fraction thereof. |

209.2

PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this District, including accessory uses and structures applicable to any existing residence in such district.

- 2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.

209.3

SPECIAL EXCEPTION USES AND STRUCTURES

The Board of Adjustment may authorize the following special exceptions within the I-2 Industrial District:

- 1. Sale or storage of fuels and chemicals.
- 2. Storage of junk or non-operative vehicles, under the provisions of Section 705.2 of this ordinance.

209.4

| MINIMUM AREA AND WIDTH | MINIMUM YARD REQUIREMENT | MAXIMUM HEIGHT |
|------------------------|--------------------------|----------------|
|------------------------|--------------------------|----------------|

Area 10,000 square feet
 Width 100 feet

Front 20 feet
 Rear 25 feet

75 ~~45~~ feet
 Ord 1101
 3-23-09

If the rear yard fronts on a street, the depth of the rear yard shall not be less than the depth of the front yard. In addition, where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirement need not apply.

Side None

Except where adjacent to any residence or "R" district the adjoining yard or yards shall not be less than 25 feet.

209.5

PERMITTED SIGNS

- 1. Temporary signs (not more than six [6] months) advertising the sale or lease of the premises, not to exceed thirty-two (32) square feet in area.
- 2. Advertising signs, trade, business or industry identification signs for the business located on the site provided that the following requirements are met:
 - a. Two (2) free standing signs per business not to exceed 25 feet in height and 100 square feet per face. A total of two signs are allowed, free standing and portable, in combination, but no more than one of either type. (Ord. 696, 10/31/81)
 - b. Signs attached to a building shall not project above the height of the building more than eight (8) feet from the wall of the building, not to exceed 100 square feet.
 - c. No surface mounted sign shall exceed 150 square feet in area of cover more than ten (10) percent of the building face on which it is located. Ord. 696, 10/31/81)
- 3. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed.
- 4. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device which does not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic as determined by the Administrative Officer.
- 5. Signs which do not resemble any traffic sign, signal or device. Revolving beacons are prohibited.
- 6. No projecting wall sign shall be attached to a wall of a building at a height less than eight (8) feet above the sidewalk or ground.
- 7. No use shall have more than one of each type of sign permitted for that use, although each sign may be double faced or back to back sign.
- 8. Any sign, permanent or temporary, larger than six (6) square feet shall require a sign permit.

209.6

SPECIAL REQUIREMENTS

- 1. Required front and side yards shall be maintained as open landscaped areas and shall not be used for parking, loading, storage or other uses.
- 2. Outside storage of raw materials or unfinished products is permitted only if it is enclosed by an architectural or landscaped screen eight feet in height that prevents visible access to such storage. Use of required front and side setback space shall not be used for the storage of raw materials or unfinished products.

This provision shall not prohibit the outside storage of finished products arranged to compliment neighborhood sites and maintained in a park-like manner. (Ord. 831, 3/13/90)

- 3. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any junk, debris or waste material be permitted to accumulate on the site.

SECTION 210. I-3 HEAVY INDUSTRIAL DISTRICT

STATEMENT OF INTENT

The I-3 Heavy Industrial District is intended to accommodate various types of industrial, warehousing and storage uses including heavy manufacturing and related uses.

210.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

| | | | |
|-----|---|---|---|
| 1. | Manufacturing and processing uses | } | 1 space for each employee plus 1 space for every vehicle used by the industry |
| 2. | Wholesaling and warehousing uses | | |
| 3. | Food processing | | |
| 4. | Contractor's shop and storage yard | | |
| 5. | Public utilities including storage buildings and yards | | |
| 6. | Truck and freight terminals | | |
| 7. | Grain elevators and feed mill | | |
| 8. | Building fabrication, including mobile homes | | |
| 9. | Batch plants | | |
| 10. | Petroleum products under pressure | | |
| 11. | Bulk petroleum products | | |
| 12. | Incineration plants | | |
| 13. | Railroad repair shops | | |
| 14. | Welding, machine and repair shops | | |
| 15. | Animal hospitals and kennels | | |
| 16. | Recycling plant | | |
| 17. | Plumbing, heating, air conditioning and sheet metal shops | | |
| 18. | Automobile paint and body shops | | |
| 19. | Lumber yards and building materials, sale and storage | | 5 spaces plus 1 space for each employee |
| 20. | Railroads | | None |
| | | | All uses shall provide at least 1 loading space for every 10,000 square feet of floor area or fraction thereof. |
| 21. | Essential Services | | None |

210.2

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this District, including accessory uses and structures applicable to any existing residence in such district.

2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.

1.3

SPECIAL EXCEPTION USES AND STRUCTURES

subject to Section 705 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Stockyards, loading pens, livestock buying stations, and commercial feedlots provided that provision for drainage, sanitation and waste disposal are approved by the County Health Officer; that is located so that it will not create a nuisance for existing and potential development in the vicinity; and that one (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided. Commercial feedlots shall not be located closer than 1000 feet to any dwelling other than that of the owner or operator, or any school, park, or place of public assembly.
2. Auto wrecking and scrap yards provided that the front yard be maintained as an open space free of weeds and debris; that no open burning of waste or discarded material shall be conducted on the site and that 2 parking spaces plus 1 space for each employee and 1 space for each vehicle used by the operation be provided.
3. The bulk storage of anhydrous ammonia provided that such use shall not be located closer than 500 feet from any existing dwelling other than that of the owner or operator or school, park or place of public assembly. That one (1) off-street parking space be provided for each vehicle or trailer used by the industry.

210.4

MINIMUM AREA AND WIDTH HEIGHT

MINIMUM YARD REQUIREMENTS

MAXIMUM

None

Front 50 feet
Rear 25 feet

75 feet
Ord # 1101
3-23-09

If the rear yard fronts on a street, the depth of the rear yard shall not be less than the depth of the front yard. In addition, where a railroad right-of-way lies immediately adjacent to the rear of the lot, the rear yard requirement need not apply.

Side None

Where adjacent to any residence or "R" district the adjoining yard or yards shall not be less than 25 feet.

210.5

PERMITTED SIGNS

1. Temporary signs (not more than six [6] months) advertising the sale or lease of the premises, not to exceed thirty-two (32) square feet in area.
2. Advertising signs, trade, business or industry identification signs for the business located on the site provided that the following requirements are met.
 - a. Two (2) free standing signs per business not to exceed 25 feet in height and 100 square feet per face. A total of two signs are allowed, free standing and portable, in combination, but no more than one of either type. (Ord. 696, 10/13/81)
 - b. Signs attached to a building shall not project above the height of the building more than eight (8) feet from the wall of the building, not to exceed 100 square feet.
 - c. No surface mounted sign shall exceed 150 square feet in area or cover more than ten (10) percent of the building face on which it is located. (Ord. 696, 10/13/81)
3. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed.
4. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device which does not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic as determined by the Administrative Officer.
5. Signs which do not resemble any traffic sign, signal or device. Revolving beacons are prohibited.
6. No projecting wall sign shall be attached to a wall of a building at a height less than eight (8) feet above the sidewalk or ground.
7. No use shall have more than one of each type of sign permitted for that use, although each sign may be double faced or back to back sign.
8. Any sign, permanent or temporary, larger than six (6) square feet shall require a sign permit.

210.6

SPECIAL REQUIREMENTS

1. Outside storage of raw materials or unfinished products is permitted only if it is enclosed by an architectural or landscaped screen eight feet in height that prevents visible access to such storage. Use of required front and side setback space shall not be used for the storage of raw materials or unfinished products.
This provision shall not prohibit the outside storage of finished products arranged to compliment neighborhood sites and maintained in a park-like manner. (Ord. 831, 3/13/90)
2. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any junk, debris or waste material be permitted to accumulate on the site.

SECTION 211. P-1 PROFESSIONAL MEDICAL AND HEALTH CARE SCIENCES

STATEMENT OF INTENT

The P-1 Professional Medical and Health Care Sciences district is intended to accommodate various types of professional offices with a practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, nursing, dentistry, dental hygiene, optometry, speech pathology and audiology, physical therapy, occupational therapy, pharmacy and chiropractic, in addition to hospitals, hospices, skilled care facilities and nursing homes.

211.1

PERMITTED PRINCIPAL USES AND STRUCTURES

MINIMUM OFF-STREET PARKING

| | | |
|----|---|--|
| 1. | Hospitals | 1 space/300 square feet floor area |
| 2. | Hospices | 1 space/300 square feet floor area |
| 3. | Skilled care facilities | 1 space/300 square feet floor area |
| 4. | Nursing Homes | 1 space/300 square feet floor area |
| 5. | Professional offices for medical and health care sciences, including the practices of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, nursing, dentistry, dental hygiene, optometry, speech pathology and audiology, physical therapy, occupational therapy, pharmacy and chiropractic. | 1 space/300 square feet floor area |
| 6. | Elementary and Secondary, Junior High and High Schools | 1 space for each classroom and office and 1 space for every 6 seats in main auditorium or stadium. |

211.2

PERMITTED ACCESSORY USES AND STRUCTURES

1. All uses permitted by R-1 Residential Districts
2. Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving other than medical and health care sciences described above.
3. Temporary buildings and equipment used in conjunction with construction work, provided such building and equipment are removed promptly upon completion of the construction work.
4. Structures attached to the principal building shall be considered part of the principal building and shall conform to the same front, side, and rear set-back regulations.

211.3

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 705 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Permitted principal uses and structures as set out in Section 203 R-2 General Residential District.

2. Public housing developments, residences, rest, nursing and convalescent homes; homes for orphans and aged on sites of one (1) acre or more; provided such use is compatible with surrounding developments and that off-street parking be provided as follows:
 - a. Public housing developments not for the elderly: One (1) space per unit
 - b. All others: One (1) space for every two beds.
3. Those special exception uses and structures deemed appropriate by the Commission and Board.
4. Other special uses and structures permitted in R-1 Residential District.

| 211.4 MINIMUM LOT AREA AND WIDTH | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT |
|---|---|---|
| Area 10,000 square feet Width . . . 60 feet EXCEPT: Any lot existing and platted prior to November 9, 1970, the minimum lot area shall be 6,000 square feet. | Front 25 feet Rear 25 feet Side 8 feet EXCEPT: The side yard shall not be less than 5 feet on any existing lot that is less than sixty (60) feet in width. | <div style="font-family: cursive; font-size: small;"> 45 feet and 1101 3-23-09 </div> Accessory buildings shall not exceed 15 feet in height. |

- 11.5 PERMITTED SIGNS**
1. Identification and home occupation signs not to exceed six (6) square feet in area.
 2. Church or public bulletin boards not to exceed thirty-two (32) square feet in area.
 3. Temporary signs (not more than six [6] months) advertising the sale or lease of the premises not to exceed six (6) square feet in area.
 4. Permitted signs shall be located at least the height of the sign inside the lot line.
 5. No use shall have more than one (1) of each type of sign permitted for that use, although each sign may be a double faced or back to back sign.
 6. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
 7. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed.
 8. Signs shall be located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device which does not obstruct, or interfere, with the driver's view of approaching, merging or intersecting traffic as determined by the Administrative Officer.
 9. Any sign, permanent or temporary, larger than six (6) square feet shall require a sign permit

- 11.6 SPECIAL REQUIREMENTS**
1. The P-1 District shall observe the fencing and shrubbery requirements as prescribed in Article 401 of this ordinance and such further fencing and shrubbery requirements as required by the City Council upon recommendation by the Building Inspector.

ARTICLE III
OFF-STREET PARKING AND LOADING SPACES

Section 301. **REQUIRED OFF-STREET PARKING**

- 301.1 Off-Street parking spaces shall be provided and observe all required yard spaces and be maintained in satisfactory condition by the property owner for each building or use hereafter erected, enlarged, or altered in any District in accordance with the minimum requirement as listed for each District.

Section 302. **LOCATING PARKING SPACE IN FRONT**

- 302.1 Off-street parking space may be located within the required front yard in any "C-2", "I-1", "I-2", or "I-3" District. No off-street parking is permitted in the front yard of any "R" District, except upon a regularly constructed, duly authorized driveway.

Section 303. **COLLECTIVE PARKING FACILITIES**

- 303.1 In the C-1 Central Business District, where conditions may preclude the provision of off-street parking spaces on the same lot as the building or use in accordance with the District requirements, provision may be made for the required off-street parking within three hundred (300) foot of the lot.

Section 304. **OFF-STREET LOADING**

- 304.1 On the same lot with every building or part thereof hereafter erected, established, or enlarged or occupied in such a way as to involve the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained adequate space other than required yard space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley, except in the C-1 Central Business District.

Section 305. **DRIVE-IN ESTABLISHMENTS OR USES**

- 305.1 Any drive-in establishment or use shall be prohibited on any property within three hundred (300) feet of any school property, church, hospital, nursing or convalescent home unless it being found and determined that said drive-in establishment or use will not constitute a hazard or a nuisance as determined by the Board of Adjustment.

ARTICLE IV

FENCING AND SHRUBBERY REQUIREMENTS

Section 401. **FENCING AND SHRUBBERY REQUIREMENTS**

- 401.1 No solid construction fence or any form of shrubbery on a lot line or within two (2) feet of said lot line shall exceed the following specific requirements:
- (a) Front lot line -- maximum height shall not exceed three (3) feet above the ground level.
 - (b) Side lot line -- maximum height shall not exceed four (4) feet above the ground level unless the portion which exceeds four (4) feet is sixty-five (65%) percent or more open.

(c) Rear lot line -- maximum height shall not exceed six (6) feet above the ground level.

2 Within the buildable area of a rear yard, a solid construction fence or shrubbery shall not exceed a height of more than ten (10) feet.

401.3 On any corner lot, or corner lot abutting on an alley, no fence or other structure shall be erected and no foliage or shrubbery shall be planted or maintained to a height of more than three (3) feet above the ground within the triangular area formed by connecting the right-of-way lines at points, which are 15' distance from the intersection of the right-of-way lines, and measured along the right-of-way lines. No foliage or shrubbery shall be planted or maintained, and no fence shall be constructed in such a manner which will materially obstruct the view of the drivers of vehicles approaching a street intersection or an alley approach to a street. Mature trees situated within 40 feet of any intersection or two streets or an alley and a street shall be trimmed up at least eight (8) feet from the ground.

401.4 It shall be unlawful to erect or maintain anywhere in the city a fence equipped with or having barbed wire, spikes or any similar device within eight feet of the ground level. The use of barbed wire, spikes or any similar device shall be permitted where their use is in excess of eight feet above ground level and where the use is solely for security purposes.

It shall be unlawful to erect or maintain anywhere in the city a fence equipped with any electric charge sufficient to cause shock. (Ord. 773, 8/18/86)

401.5 It shall be unlawful to utilize tarps in the construction of a fence. (Ord. No. 1010, 02-10-2003.)

ARTICLE V

NON-CONFORMING USES

Section 501. NON-CONFORMING USES

501.1 Statement of Intent. Within the various districts established by this chapter or its amendments there exist structures and uses of land with or without nonconforming structures which were lawful or vested nonconforming uses prior to the adoption of this chapter or its amendments, but which would be prohibited, regulated or restricted under the provisions of this chapter. It is the intent of this ordinance to permit these nonconformities to continue even though they are incompatible with the district in which they are located so long as provisions hereinafter set forth are complied with. However, it is the general intent to restrict non-conforming use and prohibit indefinite prolongation of the life of any nonconforming structure or use so that ultimately uniformity will prevail.

501.2 Nonconforming Uses of Land. The lawful use of land upon which no building or structure is erected or constructed, which is a vested nonconforming use under this and prior zoning ordinances as adopted or amended, or which becomes nonconforming under ordinances as adopted or amended, may be continued so long as such use remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land.

- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel.
- (3) No structure or building shall be constructed on or moved onto the land, unless the use changed to a use permitted in that district.
- (4) If any such nonconforming use of land ceases for any reason for a period of more than six months, as determined by the Administrative Officer, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

501.3 Nonconforming Uses of Structures. If a lawful use of vested nonconforming use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted entirely or in part to a use not permitted by this ordinance in the district in which it is located, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.
- (2) Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time it became nonconforming. No such use shall be extended to any land outside such building.
- (3) If no structural alterations are made, a nonconforming use of a structure may be change another nonconforming use of a similar nature or a more restricted use. Whenever nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.
- (4) In the event that a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of six months, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall terminate the authorization for the nonconforming use of the land.

501.4 Nonconforming Structures. Where a structure is nonconforming by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) That it is not enlarged or altered in a way which increases its nonconformity;
- (2) Nothing in this Ordinance shall be deemed to prevent the restoration of a building destroyed to the extent of not more than sixty-five percent (65%) of its reasonable value by casualty;
- (3) Any existing residences located in a nonresidential district are exempt provided they meet all residential district requirements.

501.5 Maintenance and Repair to Nonconforming Structures. Nothing in this section shall prohibit the maintenance and repair of nonconforming structures to keep such a structure in safe and sound condition, provided that no structural enlargement, extension, alteration or change shall be made to

increase the degree of nonconformity.

501.6 No purchaser of a nonconforming property may claim unnecessary hardship.

501.7 The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

501.8 Nothing contained in this ordinance shall be construed as permitting or justifying a non-conforming use which was in violation of any zoning ordinance of the City of Oelwein, Iowa, in effect prior to the adoption of this ordinance. The non-conforming uses defined in this ordinance shall consist of only such non-conforming uses which existed prior to the adoption of Ordinance 456 passed and adopted by the City of Oelwein on November 9, 1970.

ARTICLE VI

ADMINISTRATION AND ENFORCEMENT

Section 601. ADMINISTRATION

For the purpose of this Ordinance, the Administrative Officer, appointed by the Mayor with Council approval, shall administer and enforce the provisions of this Ordinance. Appeal from the decision of the Administrative Officer may be made to the Board of Adjustment as provided herein.

601.1 It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, alteration, enlargement, extension or moving of any building, structure, or any portion thereof, or the use of land, without first having applied in writing to the Administrative Officer for a building permit to do so and until a building permit has been granted therefore.

601.2 Every application for a building permit shall be in writing and delivered to the Administrative Officer, and shall be accompanied by a detailed set of plans and specifications in duplicate, showing the size of the proposed building, structure or use, its location on the lot, the materials of which it is to be constructed, and the details and type of construction to be used. With each application for a building permit, payment of a fee in accordance with the following Uniform Administrative Code. Such fees as are required shall be paid to the City Clerk.

601.3 On the issuance of a permit, one set of said plans and specifications shall be retained by the Administrative Officer as a permanent record and one set shall be returned to the applicant. The Administrative Officer may, at his own discretion, permit the substitution of a written statement covering the essential information required in the place of said plans and specifications.

601.4 Blank forms shall be provided by the Administrative Officer for the use of those applying for permits as provided in this Ordinance. Any permits issued by the Administrative Officer shall be on standard forms for such purpose and shall be furnished by the City.

601.5 A record of all such applications, plans and permits shall be kept in the office of the Administrative Officer.

601.6 A permit in writing shall be issued by the Administrative Officer when the application and investigation thereof indicate compliance by the applicant with all the provisions of this Ordinance and all other controlling ordinances of the City of Oelwein, Iowa, and the laws of the State of Iowa.

- 601.7 If, after reviewing the application, the Building Official finds that the building or structure in the proposed location does not comply with the provisions of this chapter, he shall furnish the applicant with a statement, signed by the enforcing officer, refusing to issue such permit and setting forth the reason for such refusal. The refusal by the Zoning Enforcing Officer to issue a permit may be appealed by the applicant to the Zoning Adjustment Board in the manner as provided herein.
- 601.8 Any permit, under which no construction work has been commenced within 180 days after the date of issue of said permit or under which the proposed construction, reconstruction or alteration has not been completed within two (2) years of the date of issue, shall expire by limitation; and no work or operation shall take place under such permit after such expiration. A permit may be once extended for a period not exceeding six (6) months by the Administrative Officer, and the fee therefore shall be 65% of the amount required for a new permit for such work, provided no changes have been made in the original plans and specifications for such work.
- 601.9 In any residential zoning district, no uncovered porch and/or deck will be allowed in the required front yard unless the porch and/or deck will be constructed in line with the other primary structures in that block.

The renovation of existing uncovered and enclosed porches and/or decks will be permitted provided the renovation does not enlarge or expand the existing structure.

Section 602. ENFORCEMENT

- 602.1 The Administrative Officer shall be charged with the responsibility of enforcing the provisions of this Ordinance. He shall make periodic inspections, review complaints, and perform such other tasks necessary to insure compliance with the provisions of the Ordinance. In the event there is a violation of this Ordinance, the Administrative Officer shall issue a written order in person or by mail to the violator or the property owner indicating the nature of the violation.

Section 603. PENALTIES

- 603.1 Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a simple misdemeanor and upon conviction be subject to imprisonment not exceeding thirty (30) days or a fine of not to exceed One Hundred and 00/100 (\$100.00) Dollars for each offense or both such imprisonment and fine.
- 603.2 Each day that a violation is permitted to exist beyond the time designated in the written notification by the Administrative Officer shall constitute a separate offense.
- 603.3 In the event that there is any violation of this Ordinance which in the opinion of the Administrative Officer or the legally constituted officials of the City of Oelwein jeopardize the health, safety, or welfare of the people, said officials shall remove, restrict, terminate or otherwise prevent such violation from continuing and shall levy such costs incurred in this action against the violator or property owner.

Section 604. PLANNED RESIDENTIAL UNITS AUTHORIZED; CONDITIONS

- 604.1 The owner of any tract of land may submit to the City Council a plan for the use and development of all of the tract of land residential and accessory purposes. Such plan shall be referred to the city

planning commission for study, report and public hearing. After public hearing, the same shall be submitted to the City Council for consideration and action. The approval and recommendations of the city planning commission shall be accompanied by a report stating the reasons and basis for approval of the plans with particular consideration with regard to the following:

- (a) The effect on the value of adjacent property. To this end the city planning commission may make appropriate requirements.
- (b) Consistency of the plan with the interest and purposes of this chapter to promote public health, safety, and general welfare.
- (c) Consistency of the plan with the principle that dwelling units be restricted to one-family, two-family, and/or multiple-family dwellings and the usual accessory buildings such as garages, storage space, or community activities, including churches.
- (d) Density proposed in the plan shall be no greater than that allowable in the district for which the tract is zoned.
- (e) Adequacy of areas reserved for play and recreational facilities.

604.2 Approval of planned residential units.

If the Council approves the plan, building permits may be issued, although the use of the land and the location of the buildings to be erected on the land, the yards and open spaces contemplated by the plan, do not conform in all respects to the district regulations of the district in which it is located. In event of any variation in the plan, as approved by the Council, the Administrative Officer shall deny the permit and the applicant for such permit may revise or amend his plan and resubmit the same to the Council for approval as an original plan.

ARTICLE VII

BOARD OF ADJUSTMENT

Section 701. CREATION AND APPOINTMENT

In compliance with provisions of Article 414, Sections 414.7 - 414.22, Iowa State Statutes a Board of Adjustment is hereby established, which Board shall consist of five (5) members appointed by the Mayor, subject to confirmation by the City Council. The five (5) members first appointed shall serve terms of one (1), two (2), three (3), four (4), and five (5) years, respectively; thereafter terms shall be five (5) years. Any vacancy shall be filled in the same manner for the unexpired portion of the term. In the event of the absence from the City or in the incapacity of a member, the Mayor may appoint a substitute who shall serve as a member of the Board, with the same powers and authority as the regular member, until such regular member has returned.

Section 702. RULES OF PROCEDURE

The Zoning Board of Adjustment shall have the following rules of procedure:

702.1 All members of the Board shall serve without compensation.

- 702.2 The Administrative Officer shall serve as Secretary to the Board. In the absence of the Secretary, the Chairman of the Board may appoint one of the members of the Board to act as Secretary Pro Tem for the meeting. The Board shall have the power to call on any City Department or Officer for assistance in the performance of its duties, and it shall be the duty of such Department or Officer to render such assistance as may reasonably be required. The Board shall also receive and consider recommendations submitted by the Planning Commission.
- 702.3 The Board may adopt, from time to time, subject to the approval of the City Council, such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance.
- 702.4 The Board shall annually elect its own chairman at the first meeting on or after January 1 of each year. Such chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. There shall be a fixed place of meeting and all meetings shall be open to the public. The presence of three (3) members shall be necessary to constitute a quorum. The concurring vote of the three (3) members shall be necessary on all matters upon which it is required to pass under the provisions of this Ordinance.
- 702.5 The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question. If a member is absent or fails to vote, the minutes shall indicate such fact. The Board shall keep records of its examination and other official actions, which shall be on file in the Office of the City Clerk as a public record.
- 702.6 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; or to effect a variation of this Ordinance. On all appeals, applications, and other matters brought before the Board, said Board shall inform, in writing, all the parties involved of its decisions, and the reasons therefore.

Section 703. APPEALS, HEARING, AND NOTICE

Any person, group or organization, public or private affected by the requirements of this Ordinance may appeal to the Board of Adjustment. Said appeal shall be made on an official application form to the Administrative Officer specifying the nature of the appeal, and containing a diagram showing the names and addresses of all property owners abutting and adjacent to the affected property. The fee for filing an application for an appeal shall be Seventy Five Dollars (\$75.00) and shall be paid at the time of filing. The Administrative Officer shall review the application for accuracy and compliance and shall transmit to the Board the original copy of the application and all other papers constituting the record on which the appeal is being based. A copy of the application shall also be transmitted to the Planning Commission. Upon receipt of the application and all other papers, the Board shall fix the time, place and purpose of the public hearing and shall proceed with the publication of a notice in a paper of general circulation in the City of Oelwein and shall notify by certified mail all the property owners indicated on the application. (Ord. 818, 2/27/89; Ord. No. 1010, 01-27-2003.)

No public hearing shall be held within twenty-four (24) hours after filing an appeal with the Administrative Officer. Prior to a final determination or decision on the appeal, the Board shall receive and consider the recommendation of the Planning Commission. The final disposition of any appeal after public hearing shall be in the form of a resolution by the Board either reversing, modifying, or affirming the decision or determination appealed from. A copy of such resolution shall be filed with the Administrative Officer and the Planning Commission. The decision on the appeal by the Board shall be made within forty-five (45) days after the filing of the application to the Administrative Officer. Any person or persons, jointly or

severally, aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer, or any officer, department, board or bureau of the City of Oelwein, Iowa may seek relief through the courts as provided by the Iowa State Statutes.

Section 704. STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion 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 of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

Section 705. POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

- 705.1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this Ordinance.
- 705.2 Special Exceptions. Upon application, pursuant to the provisions of this Ordinance and the rules and procedure of the Board of Adjustment, said Board shall grant or refuse special exceptions in accordance with the Performance Standards, Section 105, and the recommendations of the Planning Commission and shall authorize the issuance of a building permit and may prescribe and impose appropriate conditions and safeguards, including a specified time limit for the building permit. Violation of such conditions and safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this Ordinance and shall be punishable under Section 603. Further, any yard for the storage of junk or non-operative vehicles, and drive-in establishments permitted as a special exception shall first receive a license from the City Council of Oelwein.
- 705.3 Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that any of the following conditions exist:
- (a) There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
 - (b) Literal interpretation of the Ordinance would result in unjust financial hardship to a previously established business or industry.
 - (c) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

- (d) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- (e) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to, or alter the essential character of the neighborhood and the general welfare.
- (f) The special circumstances are not the result of the actions of the applicant.
- (g) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
- (h) The variance is not a request to permit a use of land, building, or structure which is not permitted in the district involved.
- (i) A variance shall be void after six (6) months unless a building permit is secured.

705.4 Classifications. To classify commercial and industrial uses not specifically tested in this Ordinance.

ARTICLE VIII

AMENDMENTS AND CHANGES OF THIS ORDINANCE

Section 801. LEGAL PROCEDURE FOR AMENDMENTS

- 801.1 The City Council of the City of Oelwein, may after a public hearing of which at least seven (7) days prior notice has been given in an official newspaper, amend, supplement, change, modify or repeal the boundaries or regulations herein or subsequently established, after submitted same to the City Planning Commission for its recommendations and report. The City Planning Commission shall be allowed thirty (30) days to review the proposed change, and deemed to have approved the proposed amendment. (Ord. 831, 3/12/90)
- 801.2 The initial fee for filing an application for an amendment or change shall be Five Dollars (\$5.00) for the submission thereof to the Oelwein Planning Commission. The total fee shall include the initial resolution referring such application to the Planning Commission. Any further expense in connection with such amendment or change, including setting the matter for public hearing, publication of notice, attorney fees, preparation of transcript, if any, recording fees, drafting ordinance, and related matters shall be borne by the applicant. (Ord. 714, 11/23/82)

ARTICLE IX

LEGAL STATUS OF THIS ORDINANCE

Section 901. INTERPRETATION, PURPOSE, AND CONFLICT

- 901.1 In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreement between parties, provided, however, that where this

Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or required larger open spaces than are imposed or required by other ordinances, rules, or regulations or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

- 901.2 Repeal of conflicting ordinances. This ordinance specifically repeals Ordinance No. 456 as amended, and any or all ordinances inconsistent herewith that have been previously enacted.

Section 902. **SEPARABILITY**

- 902.1 Should any article, section, clause, or provision of this Ordinance be declared by the court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 903. **EFFECTIVE DATE**

- 903.1 This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SUBDIVISION REGULATIONS

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ORDINANCE NO. 971

AN ORDINANCE ESTABLISHING RULES, REGULATIONS, AND STANDARDS GOVERNING THE SUBDIVISION OF LAND WITHIN THE CITY OF OELWEIN, IOWA, AND AN AREA EXTENDING TWO (2) MILES FROM THE CORPORATE LIMITS THEREOF AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED by the City Council of Oelwein, Iowa:

ARTICLE I

AUTHORITY AND ENACTMENT CLAUSE

Section 101. AUTHORITY AND ENACTMENT

In pursuance of the authority conferred by the Code of Iowa, Chapters 354 as amended, the City of Oelwein, Iowa, does hereby enact into law the following Articles and Sections.

ARTICLE II

APPLICATION

Section 201. JURISDICTION

These Regulations shall apply to all lands located within the corporate limits and all land lying within two (2) miles of the corporate limits of the City of Oelwein, Iowa.

Section 202. POWERS

202.1 Every owner of any lot, tract, or parcel of land within the corporate limits or within two (2) miles of the corporate limits who may hereafter subdivide the same into three or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development shall submit a subdivision plat to the Oelwein City Council in accordance with the provisions set out forthwith.

202.2 A plat or subdivision falling within the jurisdiction of these Regulations shall not be recorded nor presented for recording until all provisions and approvals set forth herein have been met or obtained.

ARTICLE III

PROCEDURES

Section 301. PRE-APPLICATION

- 301.1 Prior to the subdivision of any land, the subdivider or his agent shall discuss informally with the Planning Commission the proposed subdivision with reference to these Subdivision Regulations, the Zoning Ordinance, the Comprehensive Plan, and the Major Street Plan.
- 301.2 The Planning Commission may require in large subdivisions a large development staging procedure to encourage orderly subdivision development. This shall include:
- (a) The preparation of a preliminary plat for the entire area.
 - (b) The designation of development divisions or parts of the large subdivision.
 - (c) Upon approval of the preliminary plant, the developer may cause a final plat to be prepared for one or more development division or parts, provided the development allows for the orderly and logical provision of all required improvements.
 - (d) Each development division or part shall be considered individually as a final plat for each development division or part.

Section 302. PRELIMINARY APPLICATION FEE

The subdivider shall pay to the City Clerk a preliminary application fee of fifty dollars (\$50.00) before application.

Section 303. PRELIMINARY APPLICATION

The subdivider shall prepare and submit to the City Council for referral to the Planning Commission the following:

- 303.1 Four (4) copies of the preliminary plat at a scale of not less than one (1) inch to two hundred (200) feet. In the case of subdivisions outside of the corporate limits, one (1) additional preliminary plat submittal will be required and will be referred to the Fayette County Engineer. All preliminary submittals shall be in conformance with the design standards set forth in Article IV of this Ordinance and shall include or be accompanied by the following information:
- (a) Receipt for preliminary platting fee.
 - (b) Proposed name of the subdivision, which shall not duplicate previously filed plat names.
 - (c) A date, scale, northpoint, and key map showing the general location of the proposed subdivision in relation to surrounding development.
 - (d) Names and address of the developer, engineer, surveyor, or landscape architect responsible for the survey or design.
 - (e) Location of boundary lines in relation to section or quarter section lines, including a legal description of the property.
 - (f) Existing contours wherever five (5) feet of deviation occurs.
 - (g) Location, width, and name of existing or platted streets and alleys, railroads, underground

utilities, right-of-way or easements, parks, and existing structures within the proposed subdivision and their relationship to the same of adjacent subdivisions.

- (h) Existing and proposed zoning and existing and proposed land use.
- (i) Written and signed statements explaining how and when the subdivider proposed to provide and install all required sewers or other suitable sanitary disposal systems, water supply, pavement, sidewalks, drainage ways and other required improvements.
- (j) Written and signed statements by the appropriate officials, obtained by the developer, ascertaining the availability of gas, electricity, and water to the proposed subdivision.
- (k) Layout, numbers, and approximate dimensions of lots and the number of each block and all parcels of land to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivisions, together with the purpose or limitation.
- (l) In new developments in subdivisions, all discharges of said waters from a basement sump or sump pump shall be made to a sub-surface storm sewer or other sub-surface facility provided therefore by the developer or the city as the city council shall determine, and in no instance shall such discharge be to a city street.

303.2 After receipt of the preliminary plat applications, the Planning Commission shall distribute said applications to the appropriate officials, who shall examine the proposed plat in terms of compliance with all laws, regulations, and codes of the City. The findings of the examinations shall be returned to the Commission within fifteen (15) days).

303.3 The Commission, upon receipt of the examination findings, shall approve or disapprove the preliminary plat application at the time of their next regularly scheduled meeting. Approval of the preliminary plat by the Commission shall be void at the end of six (6) months unless a final plat has been submitted. Approval of a preliminary plat does not constitute authority to sell lots, record the plat, advertise the future or conditional sale of lots based on the preliminary plat, or authority to construct permanent building in reliance upon the preliminary plat layout.

303.4 Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat.

Section 304. FINAL APPLICATION FEES

The subdivider shall pay to the City Clerk a final application fee after preliminary approval and before final application. The fee shall be one hundred dollars (\$100.00).

Section 305. FINAL PLAT APPLICATION

The subdivider shall prepare and submit to the Planning Commission the following, prepared by an engineer or land surveyor registered in the State of Iowa.

305.1 Eight (8) copies of the final plat at a scale of one (1) inch to one hundred (100) feet. The plat shall be drawn in permanent black drawing ink on high-grade linen or stable synthetic material with dimensions of 18 inches by 24 inches.

In the event that the entire plat cannot be drawn on one sheet, it shall be submitted in two or more

sheets of the specified dimensions along with an index sheet of the dimensions showing the entire development in simplified form at a smaller scale. The original shall be submitted for checking and signature and shall become a permanent public record upon recording. Duplicate originals may be submitted for signature and may become the property of the subdivider. All final plan submittals shall be in conformance with the design standards set forth in Article IV of this Ordinance and shall include or be accompanied by the following information, in addition to that already submitted on the preliminary application:

- (a) The exact location and layout of lots, streets, alleys, easements, and other public ground with accurate dimensions in feet and decimals of feet, interior angles, length of radii and/or arcs of all curves, together with the names of all streets.
 - (b) Indication of building lines with dimensions of such lines are desired.
 - (c) Location and description of all monuments.
 - (d) Location by section, township, range, county, and state, including descriptive boundaries of the subdivision, based on an accurate traverse giving angular and linear dimensions that shall close to an allowable unadjusted error of one foot in ten thousand feet. Latitudes and departure computations shall be submitted.
 - (e) Certificate and seal of engineer or surveyor.
 - (f) Notarized certificate signed and acknowledged by all parties having any titled interest in or lien upon the land subdivided consenting to the plat, including dedication of all streets, alleys and public ways, parks or other public grounds, or lands for charitable, religious, or educational purposes, if any, and granting easements.
 - (g) Certificate signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the property described in the plat.
 - (h) Certificate of approval for the signatures of the Chairperson of the Planning Commission, the Mayor, City Clerk, and City or County Engineer. Other certificates as may be required by law may be recorded as separate instruments accompanying the plat.
 - (i) One copy of any private restriction or covenants affecting the subdivision or any part thereof.
- 305.2 Upon submission of all final application requirements, the Planning Commission shall approve or disapprove the final plat within thirty-one (31) days and send their recommendation to the City Council.
- 305.3 The Council, upon receipt of the Planning Commission's recommendation shall then render a final approval or disapproval of the plat.
- 305.4 Approval of the final plat by the Council shall be deemed as certification of the final plat. With this certification, the Council shall forward a copy of the final plat to the County Recorder of Fayette County, Iowa, for recording.
- 305.5 Receipt of a duly certified final plat by the subdivider is authorization that he may proceed with the subdivision. However, no official, employee or agent of the City of Oelwein shall issue any building permit, make any water or sewer connection, or issue any permit for any water or sewer connection

for any building or buildings constructed or proposed to be constructed on land divided contrary to the provision of these regulations. No official, agent or employee of the City of Oelwein shall perform or cause to be performed any construction or maintenance upon any street or public way purported to be dedicated as a public street or public way by virtue of being shown on a plat, unless such plat shall have been approved as provided by these Regulations. Any plat or dedication recorded prior to the enactment of this ordinance is exempt from this provision.

Installation and construction of required improvements shall be made as provided herein; provided, however, when all such improvements have not been so installed and constructed, lots may be sold therein, but no building permit shall be issued for construction on any lot therein not located on a street not surfaced and provided with the improvements required by these regulations.

However, when all such improvements have been contracted for and the financing thereof made certain and construction thereof is imminent, the City Council may, in its discretion, authorize and direct the issuance of a Building Permit duly applied for by the owner of any one or more lots located adjacent to such contemplated improvements.

ARTICLE IV

DESIGN STANDARDS

Section 401. GENERAL STANDARDS

Land within the proposed subdivision which the Planning Commission finds to be unsuitable for subdividing due to flooding or bad drainage shall not be subdivided until the objectionable features have been eliminated or until adequate safeguards against such objectionable features are provided.

Section 402. STREETS AND ALLEYS

- 402.1 The arrangement of major streets shall conform to the Major Street Plan of the Comprehensive Plan. Streets in the subdivision normally shall connect with streets already dedicated in adjoining or adjacent subdivisions.
- 402.2 Local residential streets should be planned as to discourage through traffic. Permitted cul-de-sacs shall not be longer than four hundred (400) feet and shall terminate with a turn-around having a curblin diameter of not less than one hundred (100) feet in residential subdivisions and one hundred twenty (120) feet in commercial or industrial subdivision except as allowed by the Commission and Council.
- 402.3 Centerline off-sets of intersecting streets shall be avoided, but where necessary shall be not less than one hundred fifty (150) feet.
- 402.4 Blocks in residential subdivisions shall be not less than three hundred (300) feet long and not more than six hundred (600) feet long, except as allowed by the Commission and Council.
- 402.5 Half streets shall be prohibited except where essential to the reasonable development of the subdivision or where it is found to be practical to require the dedication of the other half when adjoining property is subdivided.
- 402.6 Under normal conditions streets shall be laid out so as to intersect as nearly as possible at right

angles, except where topography or other conditions justify variations. More than four (4) approaches to any intersection shall be prohibited. The minimum intersection angle shall be not less than 75 degrees.

402.7 Alleys shall be provided in commercial and industrial districts except where other definite and assured provision is made for service access.

402.8 The right-of-way widths and pavements widths (back to back of curb) for interior streets and alleys included in any subdivision shall not be less than the minimum dimensions for each classification as follows:

| <u>Type</u> | <u>Pavement Width</u> | <u>R.O.W.</u> |
|-------------------|-----------------------|---------------|
| Major Streets | 44' | 80' |
| Collector Streets | 32' | 60' |
| Local Streets | 32' | 60' |
| Alleys | 14' Res 20' Comm | 20' |

402.9 The horizontal alignment on all streets where the centerline deflects two degrees or more shall be as follows:

Radii of Horizontal Curves

| | |
|-------------------|---------------------|
| Major Streets | 700' <u>minimum</u> |
| Collector Streets | 200' <u>minimum</u> |
| Local Streets | 100' <u>minimum</u> |

Section 403. LOTS

403.1 Side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines.

403.2 Every lot shall abut and have access to a public street.

403.3 Double frontage lots shall be avoided except where they back upon a major street.

Section 404. EASEMENTS

404.1 Easements on rear lot lines shall be provided for sanitary sewers and utilities where necessary and shall be a total of at least ten (10) feet on each side, and side lot lines to provide at least five (5) feet on each side.

404.2 Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of such width as will be adequate for both waterflow and maintenance operations.

ARTICLE V

IMPROVEMENTS

Section 501. IMPROVEMENTS

It shall be the responsibility of the developer to install in accordance with plans, specifications, and data approved by the City Engineer certain required improvements as hereinafter indicated and upon completion of construction any utilities or improvements, one set of reproducible tracings of completed as-built final plans, dated, signed and certified by the engineer in charge shall be filed with the Administrative Officer showing all features as actually installed including materials, size, locations, depth or elevation, numbers, ends of lines, connections wyes, valves, storm sewer drains, inlet and all other pertinent information. There shall be no connections made to such utilities serving the subdivision until the as-built final plans are accepted by the Administrative Officer.

- 501.1 Staking - The external boundaries and corners of each block and lot shall be monumented by iron rods, pipes, or pins not less than one (1) inch in diameter and extending at least twenty-four (24) inches below grade.
- 501.2 Lot Grading - Any building site filled to a depth in excess of five (5) feet, such fill shall be laid down in six- (6-) inch layers and each layer shall be given six (6) passes with a sheepsfoot roller with optimum moisture present or compaction to equal bearing strength of the natural ground shall be met by Proctor test or other test which may be approved by the City Engineer.
- 501.3 Street Grading - All full width streets located entirely within the boundary of the subdivision, except major and collector streets, shall be graded to a minimum width of nine (9) feet back of both curb lines to within six (6) inches of the grade established by the City Engineer.
- 501.4 Street Surfacing - Any street, including half streets, shall be paved, including curbs and gutters in accordance with street improvement and paving standards and regulations approved by the Council.
- 501.5 Sidewalks - Four (4) feet wide shall be constructed in accordance with sidewalk standards and regulations approved by the Council in front of all lots, or, in lieu thereof, the developer may provide in recorded covenants that such sidewalks shall be constructed by the owner of each lot prior to the time of completion of the main structure on said lot; except, industrial areas or as allowed by the Commission and Council.
- 501.6 Sanitary Sewer - Where a city sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the subdivider shall submit to the City Engineer his plans for connection with a trunk line to the existing system. The City Engineer shall then inform the subdivider of the trunk line size requirements as per anticipated development in the general area. All mains and connectors shall be eight (8) inches or larger. Where a city sanitary sewer is not accessible by gravity flow within 500 feet of the final plat, the subdivider shall make provision for the disposal of sewerage as required by law. Where a city sanitary sewer accessible by gravity connection is not within 500 feet of the final plat, but where plans for the installation of city sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans. Service connections shall be installed to the property line before paving of the street. As built plans showing all water and sewer service locations shall be submitted to the City. All manholes shall be spaced a minimum of three hundred (300) foot to three hundred fifty (350) foot apart.
- 501.7 Water Mains - Where a public water supply is within five hundred (500) feet of a proposed subdivision, the subdivider shall install, or have installed, a connection to each lot prior to the paving of the street, as according to the City Engineer's requirements for anticipated development. All mains shall be eight (8) inches or larger. Where a public water supply is not available, each lot in a

subdivision shall be furnished with a water supply system with proper provisions for the maintenance thereof. Any lot so serviced shall have a minimum area of one-half (1/2) acre. The design of any such system shall be subject to the approval of the State Department of Health or County Health Officer, whichever is applicable. All fire hydrants shall be installed in accordance with standard forth by the City. All firehydrants shall be spaced a minimum of three hundred (300) foot to three hundred fifty (350) foot apart, and shall be of a style and make specified by the city.

501.8 Street Lighting, Equipment - Where underground electrical distribution systems are desired, the subdivision developer shall furnish and install all street lighting standards, bases, foundations, trenching and conduit according to City specifications where required, with ownership thereof and attendant, maintenance responsibility being invested in the municipality.

501.9. Shade Trees – In all new subdivisions, there shall be planted a minimum of one two (2) inch diameter tree on each lot within the subdivision. All trees shall comply with the existing city tree ordinance.

Section 502. CONSTRUCTION GUARANTEE

The subdivider shall provide one (1) of the following guarantees for the completion of improvements subject to approval by the City Council according to the following procedures:

502.1 Subdivision Bond. The subdivider shall file in the office of the City Clerk an approved estimate of the cost of construction and also file a corporate surety bond in an amount equal to one hundred percent (100%) of the estimated cost of construction, in favor of the Council, guaranteeing satisfactory completion of all improvements whether within the City or Planning Area, in a period not exceeding two (2) years from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Iowa.

502.2 Construction Bond. The subdivider shall file in the office of the City Clerk an approved estimate of the cost of construction and also file a corporate surety bond in an amount equal to one hundred percent (100%) of the estimated cost of construction, in favor of the Council, guaranteeing satisfactory completion of all improvements in a period not exceeding two (2) years from the date of the bond. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Iowa.

502.3 Maintenance Bond. The subdivider shall file in the office of the City Clerk a Maintenance Bond in an amount equal to one hundred percent (100%) of the estimated cost of construction, in favor of the Council, guaranteeing satisfactory completion of all improvements in a period not exceeding two (2) years from the date of the bond, and guaranteeing four (4) years maintenance. This bond is to be furnished by a reputable bonding company maintaining an office in the State of Iowa.

502.4 Cash Bond. The subdivider shall deposit in cash with the City Council an amount equal to the City Clerk's approved estimate of the cost of construction, of all improvements. Progress payments may be made to the subdivider or his contractor, as work progresses on the written order of the City Clerk.

502.5 Special Assessments. In the case of partially dedicated streets, streets not wholly within the proposed subdivision or streets where other adjacent property owners are involved the subdivider may petition the Council or Board of county Supervisors to have the necessary improvements

constructed and assessments levied against the property.

- 502.4 **Guarantee Certificate.** A final plat shall contain a guarantee by the subdivider that he will complete at his own expense all required improvements in accordance with approved plans and specifications within a period of two (2) years after approval of the final plat; and in the event all such required improvements are not installed within such two (2) year period, he will include in any contract to sell a lot in said subdivision not supplied with the improvements required by these regulations, a provision that no building permit will be issued for construction thereon until such improvements are installed and constructed with respect thereto.
- 502.5 **100% Special Assessments.** In the event the subdivider waives in writing the twenty-five percent (25%) limitation based upon special assessment of the lots in such proposed subdivision by Section 384.62 of the Code of Iowa, as amended, and agrees in writing that the total cost of the improvements as defined in Section 384.37 of the Code of Iowa, including specifically provisions for a default fund may be specially assessed against such lots, the City in the option of the City Council, may assess the lots in such proposed subdivision to provide for the construction of such improvements.

ARTICLE VI

ENFORCEMENT

Section 601. ENFORCEMENT

- 601.1 No plat of any subdivision within the application of this Ordinance shall be entitled to be filed or recorded in the office of the Fayette County Recorder or have any validity until such plat has been prepared, approved, and acknowledged in the manner prescribed by this Ordinance.

Maintenance Bond. For two years after acceptance of construction, the development shall be re-inspected by the city and deficiencies corrected prior to release of the maintenance bond. Failure to maintain shall be grounds for the city to call the maintenance bond and cause appropriate work to be performed.

The subdivider shall pay the city engineering fees for reviewing and inspecting the plans, specifications, and related construction.

- 601.2 It shall be unlawful to sell, trade, or otherwise convey any lot or parcel of land for building purposes as a part of or in conformity with any plat, plan, or replat of any subdivision within the area subject to application of this Ordinance unless said plan, plat, or replat shall have been approved as prescribed by this Ordinance and filed and recorded in the office of the Fayette County Recorder.

ARTICLE VII

PENALTY

Section 701. PENALTY

Any person, firm, co-partnership, association, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine or by

imprisonment, or both, at the discretion of the Court. The sale of each and every lot sold in violation of this Ordinance shall be considered a separate violation.

ARTICLE VIII
SEVERABILITY CLAUSE

Section 801. **SEVERABILITY CLAUSE**

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE IX
LEGAL STATUS PROVISIONS

Section 901. **CONFLICT WITH OTHER REGULATIONS**

No final plat of land within the force and effect of the Zoning Ordinance shall be approved unless it conforms to these Regulations. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Ordinance, building code, or other official regulations or ordinances, the most restrictive shall apply.

Section 902. **REPEAL OF CONFLICTING ORDINANCES**

All Subdivision Regulations and parts of Subdivision Regulations in conflict with this Ordinance are hereby repealed.

ARTICLE X
DEFINITIONS

Section 1001. **DEFINITIONS**

For the purpose of interpreting this Ordinance, certain terms are defined. Words in the present tense include the future; the singular includes the plural and the plural includes the singular; and the word "shall" is mandatory and not directory.

1. ALLEY: A public right-of-way which is used primarily as a secondary means of access to the abutting property.
2. BLOCK: A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof.
3. COMPREHENSIVE PLAN: A long-range general plan for the improvement and development of Oelwein and surrounding area as adopted by the Planning and Zoning Commission and Council.

4. CUL-DE-SAC: A street having one end connecting with a public street and being terminated at its other end by a vehicular turn-round.

COUNCIL: City Council of Oelwein, Iowa.
6. LOT: A portion of a subdivision or other parcel of platted land, intended as a unit for transfer or ownership for development.
7. LOT OF RECORD: A tract of land described as an integral portion of a sub-division plat which is properly recorded in the office of the Fayette County Recorder.
8. IMPROVEMENTS: Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, plantings, and other items for the welfare of the property owners and the public.
9. MAJOR STREET PLAN: A plan adopted by the City Council for the guidance of alignment, function, and improvements of city streets, including modification or refinements which may be made from time to time.
10. PLAT: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and which will be recorded in final form.
11. STREET: A right-of-way, dedicated to public use, which affords a primary means of access to the abutting property.
12. RIGHT-OF-WAY: A strip of land separating private property from the street or alley existing or dedicated in public ownership.
13. STREET, MAJOR: A street of considerable continuity connecting various sections of the city.
14. STREET, COLLECTOR: A street which carries traffic from a local street to a major street; a main thoroughfare.
15. STREET, LOCAL: A street which is used primarily for access to the abutting properties.
16. SUBDIVIDER: A natural person, firm, co-partnership, association or corporation who submits a proposed subdivision to the Planning Commission.
17. SUBDIVISION: The Division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development.
18. WATER COURSE, DRAINAGE WAY, CHANNEL OR STREAM: A natural or man-made depression in which a current of surface run-off water flows following precipitation.


ARTICLE XI

EFFECTIVE DATE

Section 1101. EFFECTIVE DATE

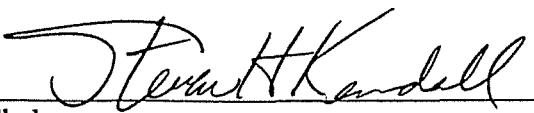
These Regulations shall take effect and be in force from and after their adoption by the City Council of the City of Oelwein, Iowa.

PASSED AND ADOPTED by the City Council of Oelwein, Iowa, this 12th day of July,
1999.



Mayor

ATTEST:



City Clerk