### CHAPTER 165A

**ZONING CODE – GENERAL PROVISIONS**

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#### 165A.01  TITLE AND PURPOSE.

Chapters 165A through 165E of this Code of Ordinances shall be known and may be cited and referred to as the Zoning Code of the City of Sergeant Bluff, Iowa. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy do not void any zoning regulation existing on July 1, 1981, or require zoning in a city that did not have zoning prior to July 1, 1981. Such regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(IAC, 414.3)

#### 165A.02  MINIMUM REQUIREMENTS INTERPRETATION.
In their interpretation and application, the provisions of this Zoning Code shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity, sustainability, and general welfare.

165A.03 RELATIONSHIP TO CODE OF ORDINANCES.

The use of buildings and land within the City shall be subject to all applicable provisions of this Code of Ordinances whether or not those other provisions are specifically cross-referenced in this Zoning Code. Cross-reference to other provisions of this Code of Ordinances found in this Zoning Code are provided for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of this Code of Ordinances do not apply.

165A.04 APPLICABILITY OF PRIOR ORDINANCES.

All violations of prior zoning or other ordinances of the City, existing on the effective date of this Zoning Code, shall continue to be violations and shall not be considered to be legal nonconforming situations under this Zoning Code. The City shall have the same authority to secure civil remedies for violations of those ordinances to the same extent that it may secure civil remedies for violations of this Zoning Code. All permits, applications, certificates and other authorizations submitted or approved prior to the effective date of this Zoning Code shall be governed by the ordinances in effect at the time of the submission or approval.

165A.05 RULES.

For the purpose of this Zoning Code, the following rules shall apply:

1. The word "person" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.

2. The words "use," "used," "occupy" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."

3. The word "commission" refers to the Planning and Zoning Commission of Sergeant Bluff, Iowa.

4. Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.

5. In the case of any real or apparent conflict between the text of the Zoning Code and any illustration explaining the text, the text shall apply.

165A.06 ABBREVIATIONS AND ACRONYMS.

This section contains a listing of abbreviations and acronyms used throughout the Zoning Code.

ADA = Americans with Disabilities Act
CFR = Code of Federal Ordinances
DU = Dwelling Unit
EPA = Environmental Protection Agency
IDNR= Iowa Department of Natural Resources
FAA = Federal Aviation Administration
FCC = Federal Communication Commission
FEMA = Federal Emergency Management Agency
GFA = Gross Floor Area
HUD = US Department of Housing and Urban Development
KV = Kilovolt
KW = Kilowatt
IDOT= Iowa Department of Transportation
165A.07 DEFINITIONS.

The following terms are defined for use in the Zoning Code.

1. "Abandonment" means to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

2. "Abut" means to border on, be contiguous with, or have common property or district lines, including property separated by a public street or alley.

3. "Access" or "access way" means the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Code.

4. "Accessory living quarters" means living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

5. "Accessory building or structure" means a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds but not portable storage containers.

6. "Accessory dwelling unit" means a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure, and may also be referred to as a "granny flat."

7. "Accessory use" means a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building.
8. "Acreage" means any tract or parcel of land, used for single-family residential purposes, which does not qualify as a farm or farmstead.

9. "Adjacent" – see "abut."

10. "Adult day services, licensed" means a facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

11. "Agent" means any person showing written verification that said person is acting for, and with the knowledge and consent of, a property owner.

12. "Agricultural or farm building" means any building or structure that is necessary or incidental to the normal conduct of a farm, including (but not limited to) residence of the operator, residence of hired help, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills, and water storage tanks.

13. "Agricultural industries" means establishments or uses engaged in the large-scale storage or initial processing of agricultural products and supplies and which cannot be otherwise categorized as light, general, or heavy industries, some of which may involve storage of potentially hazardous materials. Typical uses include grain elevators and anhydrous ammonia storage facilities.

14. "Agricultural operations" – see "farming."

15. "Agricultural sales and service" means establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

16. "Agriculture" means land suitable for use in farming and which is or will be operated as a farm, including the raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use.

17. "Alley" means a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

18. "Alteration" means any change, addition, or modification to the construction or occupancy of an existing structure.

19. "Amendment" means a change in the wording, context, or substance of this Zoning Code, or an addition, deletion, or change in the district boundaries or classifications upon the Official Zoning Map.

20. "Amusement arcade" means a building or a part of a building where pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.


22. "Animal feeding operation" means a lot, yard, corral, building, or other area in which animals are confined and fed and maintained for 45 days or more in any 12-month period, and all structures used for the storage of manure from animals in the operation. An animal feeding operation does not include a livestock market. Open feedlots and confinement feeding operations are considered to be separate animal feeding operations.
23. “Animal grooming service” means any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

24. “Animal hospital” means any establishment or business maintained and operated by a veterinarian or veterinarians for examination, prophylaxis, surgery, diagnosis and treatment of diseases or injuries of animals including indoor boarding of animals under treatment or benefit of the client; provided, said veterinarian or veterinarians are duly licensed under State law.

25. “Antenna” means any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also see “satellite dish antenna and tower.”

26. “Antique shop” means a place offering primarily antiques for sale. An antique, for the purpose of this Zoning Code, is a work of art, piece of furniture, decorative object, or the like, that is at least 20 years old.

27. “Apartment” means a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended, or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit, including culinary accommodations. Also see “dwelling unit.”

28. “Apartment complex” means a building or buildings containing apartments used as a place of residence for more than two households.

Apartment Complex

29. “Apartment house” – see “dwelling, multiple family.”

30. “Appearance” means the outward aspect visible to the public.

31. “Applicant” means the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits have been requested. Consent shall be required from the legal owner or his legal representative in writing except for building permits.

32. “Appropriate” means sympathetic, or fitting, to the context of the site and the whole community.

33. “Appurtenance” means the visible, functional objects accessory to and part of buildings.

34. “Architectural character or concept” means the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

35. “Architectural feature” means a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

A. Lines are the visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.

B. Mass is the volume, bulk of a building or structure.

C. Texture is the quality of a surface, ranging from mirror finish, smooth, to course and unfinished.
36. “Architectural style” means the characteristic form and detail, as of buildings of a particular historic period.

37. “Artisan production shop” means a building or portion thereof used for the creation of original handmade works of art or craft items as either a principal or accessory use.

38. “Artist studio” means a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

39. “Assisted living facility” means a provision of housing with services which may include (but not be limited to) health related care, personal care, and assistance with instrumental activities of daily living in a physical structure which provides a home like environment.

40. “Assembly building” means a meeting place at which the public or membership groups are assembled regularly or occasionally, including (but not limited to) schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

41. “Attached” means a foundation, wall, or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

42. “Auto body repair” means the repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

43. “Auto salvage dealer” means any person who engages in the business of buying motor vehicles, motorcycles, motorized bicycles or parts thereof or tires for resale in whole or in part as junk or as used parts.

44. “Auto services” means the provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

45. “Automatic teller machine” (ATM) means an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

An Example of a stand-alone ATM

46. “Automobile rental and sales” means sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.

47. “Automobile repair, minor” means the replacement of minor assemblies or parts and tune-up of automobiles, or trucks of less than 15,000 pounds’ gross license weight, but not including body and fender work, painting, engine overhaul, or similar type work.

48. “Automobile wrecking yard” means any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
49. “Automotive and machinery repair shop” means a building used for the repair of motor vehicles or machinery, when such repair is wholly within a completely enclosed building. This definition also includes body repair and painting.

50. “Automotive sales area” means an open area, other than a street, used for display or sale of new or used motor vehicles and trailers by one required to be licensed as a motor vehicle dealer by the State of Iowa, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

51. “Ballroom” means a place or hall used for dancing, other than those listed under the definition of “adult cabaret” (see Chapter 128 of this Code of Ordinances). Ballrooms may also be used for reunions, weddings, and receptions.

52. “Bar” means any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also see “nightclub” and “tavern.”

53. “Base flood” means the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

54. “Base flood elevation” means that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

55. “Base zoning district” means a district established by this Zoning Code which prescribes basic regulations governing land use and site development standards.

56. “Basement” means the substructure or foundation of a building; the lowest story of a building, usually below ground level.

57. “Beacon” means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

58. “Bed and breakfast home” means a private home or residence where the host resides and provides lodging and meals for overnight guests. It is exempt from licensing and inspection as a food establishment and as a hotel. No more than four guest families shall be accommodated at the same time.

59. “Bed and breakfast inn” means a hotel or motel with nine or fewer guest rooms.

60. “Bedroom” means a room within a dwelling unit used or intended for sleeping purposes, separable from other rooms by a door.

61. “Beer garden, permanent” means a permanent establishment that includes any area out-of-doors (or not completely contained within a building) in which alcoholic beverages and/or food is served.

62. “Beer garden, temporary” means a temporary establishment that includes any area out-of-doors (or not completely contained within a building) in which alcoholic beverages and/or food is served.

63. “Beginning of construction” means site grading.

64. “Berm” means a raised or contoured form of earth to provide screening or storm water management or to improve the aesthetic character.

65. “Best interests of community” means interests of the community at large and not the interest of the immediate neighborhood.

66. “Big box retail store” – see “retail commercial.”

67. “Biofiltration” means a pollution control technique that employs living material to capture, sequester, and/or biologically degrade pollutants.

68. “Biofuels plant” means a facility where the conversion of corn or other biomass material into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

69. “Biomass” means plant material, used for the production of such things as fuel alcohol and nonchemical fertilizers. Biomass sources may be plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.
70. "Block" means a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.

71. "Block frontage" means that section of a block fronting on the street right-of-way line between two intersecting streets or other block boundary.

72. "Board of Adjustment" means that board that has been created by the City and which has authority under the Code of Iowa to hear and determine appeals from and interpretations of variances, and to grant conditional use permits.

73. "Boarding or rooming house" means a building containing a single dwelling unit and provisions where lodging is provided, with or without meals, for compensation.

74. "Boat dock" means a structure built over or floating upon water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

75. "Breezeway" means a roofed open passage connecting two otherwise detached buildings. Breezeway connections shall not be construed to alter the detached status of the buildings so connected.

76. "Brew-on-premises store" means a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

77. "Brew pub" means a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.

78. "Brewery" means an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

79. "Brewery, craft" means a brew pub or a microbrewery.

80. "Brewery, micro" means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

81. "Brownfield/brownfield site" means an abandoned, idled, or underutilized industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination.

82. "Buffer" means a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also see "screening."

83. "Buffer area" means an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

84. "Buffer yard" means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
85. "Buffer zone" means an area of land that separates two zoning districts and/or land uses and which acts to soften or mitigate the effects of one use on the other.

86. "Buildable area" means that part of a zoning lot not included within the required yards or subject to other restrictions herein required.

![Example of Buildable Area](image)

87. "Building" means any structure having a roof or partial roof supported by columns, posts, or walls for the enclosure of persons, animals, equipment, or chattels of any kind.

88. "Building, commercial or industrial" means a building or buildings where party walls or ownership lines exist in such a manner as to indicate the intent that they be separate buildings.

89. "Building, residential" means a building enclosed by a continuous wall regardless of the existence of platted lot lines through the area occupied by such building.

90. "Building area" means the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

91. "Building code" means the various adopted codes of the City which regulate the construction of building, electrical, mechanical, plumbing, and other codes adopted by the City which pertain to building construction.

92. "Building coverage" means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

93. "Building envelope" means the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

![Building Height](image)

94. "Building height" means the distance measured from the mean elevation of the grade of the front face of the building to the highest point on the roof or parapet of the building.

95. "Building inspector" means the official appointed by the administration or the City Council, and charged with the responsibility of enforcing this Zoning Code.

96. "Building line" means the outer boundary of a building established by the location of its exterior walls.
97. "Building permit" means a document issued under the authority of the Building Inspections and Code Enforcement Department, which permit authorizes the construction or modification of a structure on a property.

98. "Building setback line" means the required zoning distance between a building and the lot line.

99. "Bulk regulations" means an indication of size and setback of buildings and their location with respect to one another, including lot area, lot frontage, lot coverage, required front yard, required side yard, required rear yard, and building height.

100. "Business" means activities that include the exchange or manufacture of goods or services on a site.

101. "Business center" means a building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.

102. "Business services" means uses providing services to people, groups, businesses, dwellings, and other buildings. Business services include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios.

103. "Business support services" means establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional, and service establishments to the firms themselves but excluding automotive, construction, and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

104. "Call center" means a facility with employees that deal with either in-bound or out-bound calls focused on sales, polls, fundraising efforts, as well as customer support, and technical support.

105. "Campground" means a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational, and having open areas that are natural in character.

106. "Car wash, full service" means a building or section thereof containing facilities for washing motor vehicles, using production line methods or mechanical devices and does not include customer self-service.

107. "Car wash, industrial" means a mechanical facility for the washing, waxing, and vacuuming of heavy trucks and buses.

108. "Car wash, self service" means a building or section thereof containing facilities for washing motor vehicles by providing spaces, water, and hand-held equipment for washing of motor vehicles by the customer.

109. "Carport" means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

110. "Cellar" means a building space having less than one-half of its height below the average adjoining grade lines.

111. "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbaria, crematoriums, and mausoleums.
112. “Certificate of occupancy” means a permit issued by the building inspector indicating the use of the building or land in question is in conformity with this Zoning Code or that there has been a legal variance therefrom as provided by this Zoning Code.

113. “Channel” means the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

114. “Charitable” means a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

115. “Child care” means the care, supervision, and guidance of a child by a person other than the child’s parent, guardian, or custodian for periods of less than 24 hours per day per child on a regular basis, but does not include care, supervision, and guidance of a child pursuant to Chapter 237A of the Code of Iowa.

116. “Child care center” means a facility providing child care or preschool services for seven or more children, except when the facility is registered as a child development home.

117. “Child care facility” means a child care center, preschool, or a registered child development home.

118. “Child care home” means a person or program providing child care to five or fewer children at any one time and which is not registered to provide child care under this chapter, as authorized under Section 237A.3 of the Code of Iowa.

119. “Child development home” means a person or program registered under Section 237A.3A of the Code of Iowa and which may provide child care to six or more children at any one time.

120. “Church, storefront” means a religious facility contained within a store or similar structure not typically used for religious activities and which is now used as a meeting place for a congregation, including (but not limited to) barns, stores, warehouses, old public buildings, and single-family dwellings.

121. “City Administrator” means the City Administrator of the City of Sergeant Bluff, as appointed by the administration and City Council.

122. “City Attorney” means the City Attorney of the City of Sergeant Bluff or an authorized deputy, agent or representative.

123. “City Engineer” means the City Engineer as hired or appointed by the Mayor and City Council or an authorized deputy, agent or representative.

124. “City limits” means the established corporate boundary of the City of Sergeant Bluff.

125. “Clear view zone” – see “sight triangle.”

126. “Club” means an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

127. “Club, private” means a nonprofit voluntary association of persons for the promotion of same purposes or philosophy. The permitted uses of a building owned or leased by such an association shall include all customary club activities such as lectures, discussions, meetings, social or recreational events, and similar activities, and shall also include as an accessory use the sale of food or beverages, but only where limited to club members and guests and only in conformance with all State and federal regulations.

128. “Clustered development” means a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.
129. "Coffee kiosk" means a retail food business in a freestanding building that sells coffee, or other nonalcoholic beverages, and pre-made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

130. "College, seminary or university" means a post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

131. "Commercial feeding operation" – see "animal feeding operation."


133. "Common area or property" means a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.

134. "Common development" means a development proposed and planned as one unified project not separated by a public street or alley.

135. "Common open space" means land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

136. "Communication services" means establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

137. "Community center" means a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

138. "Community garden" means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

139. "Compatibility" means harmony in the appearance of two or more external design features in the same vicinity.

140. "Compatible use" means the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

141. "Comprehensive Plan" shall mean the Comprehensive Development Plan of Sergeant Bluff, Iowa, as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare.

142. "Conditional use" means a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare and which is permitted upon findings of the Board.
143. "Conditional use permit" means a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Sections 165C.01 and any additional conditions placed upon, or required by said permit.

144. "Condominium" means a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, with each having an undivided interest in the common real estate.

145. "Confinement feeding operation" means an animal feeding operation in which animals are confined to areas which are totally roofed.

146. "Conflicting land use" means the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

147. "Congregate housing" means a residential facility for four or more persons age 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility.

148. "Conservation" means the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

149. "Conservation area" means environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including (but not limited to) wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

150. "Conservation easement" means an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

151. "Conservation subdivision" means, wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided: (i) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district; and (ii) the remaining land area is used for common space.

152. "Construction batch plant" means a temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

153. "Construction yards" means establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractors' yards.

154. "Contiguous" – see "abut."

155. "Convalescent services" means a use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and
excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

156. "Convenience store" means a retail store containing less than 2,500 square feet of gross floor area engaged in selling primarily food, beverages, and other household supplies to customers, and designed to attract a large volume of stop-and-go traffic.

157. "Convent" means a place of residence for bona fide members of a religious order who carry on religious, medical, educational or charitable work.

158. "Corporate limits" means all land, structures, and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the City.

159. "Country club" means a golf course, par-3 golf course, swimming pools, tennis clubs and neighborhood clubhouses any and each of which shall be located on a site and open only to membership subscribing for the use of all facilities for a term of not less than one year and members, non-paying guests.

160. "Court" means an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such building or buildings.

161. "Court, inner" means a court enclosed on all sides by the exterior walls of a building or buildings.

162. "Court, outer" means a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

163. "Courtyard" means an open, unoccupied space, bounded on two or more sides by the walls of the building.

164. "Crematorium" means a location containing properly installed, certified apparatus intended for use in the act of cremation.

165. "Cul-de-sac" means a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

166. "Cultural services" means a library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
167. “Cultural uses” means a library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

168. “Curve lot” – see “lot, curve.”

169. “Data processing center” means facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

170. “Data storage facilities” means a warehouse-like facility containing large numbers of servers and data processing devices, including all associated power systems.

171. “Date of substantial completion” means the date certified by the local building inspector or Zoning Administrator when the work, or a designated portion thereof, is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

172. “Deciduous screen” means landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained not taller than six feet in height.

173. “Deck” means a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure are open.

174. “Density” means the number of dwelling units per gross acre of land.

175. “Dental or medical lab” means a facility providing diagnostic or pathological testing and analysis for the healthcare industry.

176. “Department store” means a business which is conducted under a single owner’s name wherein a variety of unrelated merchandise and services are housed, enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.

177. “Developer” means any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

178. “Development” means any man-made change to improved or unimproved real estate, including (but not limited to) buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

179. “Development concept plan” – see “site plan.”

180. “Development review” means the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

181. “Development review committee” means a committee as defined in Section 165E.08 established to review site plans, planned developments and development proposals prior to any other required action.

182. “Disability” means physical or mental impairment that substantially limits one or more of such person’s major life activities so that such person is incapable of living independently, a record of having such an impairment, or being regarded as having such impairment.
183. “Discount store” means a single or group of stores, offering merchandise for sale at less than usual retail prices. Merchandise may be discounted due to either quantity price breaks or merchandise has been discontinued and discounted to another retailer.

184. “Distribution center” means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

185. “Distribution center, repackaging” means a facility defined as a distribution center; however, goods are received in bulk and repackaged into small units prior to being sent to customers at remote locations.

186. “District or zone” means any zoning district created for the purpose of regulating specific uses within a defined area.

187. “Dog kennel” – see “kennel, boarding or training” and “kennel, commercial.”

188. “Domestic animals” – see “household pet.”

189. “Downzoning” means a change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multiple-family residential district to single-family residential district.

190. “Drainageway” – see Chapter 157 of this Code of Ordinances.

191. “Drive-in facility” means an establishment where customers can be served without leaving the confinement of their vehicles.

192. “Drive, private” means an unplatted, private passageway providing access to a street.

193. “Driveway” means any vehicular access to an off-street parking or loading facility.

194. “Dump” means a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

195. “Duplex” – see “dwelling, two-family.”

196. “Dwelling” means a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in state law, but not including travel trailers, recreational vehicles, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes.

197. “Dwelling, condominium” means a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities.

198. “Dwelling, manufactured home” means a factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by HUD, and was constructed on or after June 15, 1976. If a manufactured home is placed in manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate.
199. "Dwelling, mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no State or federal seals, and was built before June 15, 1976.

200. "Dwelling, modular" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7, and must display the seal issued by the State Building Code Commissioner.

201. "Dwelling, multiple family" means a building or buildings designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.

202. "Dwelling, seasonal" means a dwelling designed and used as a temporary residence and occupied less than six months in each year.

203. "Dwelling, single-family" means a building having accommodations for or occupied exclusively by one family which meet all the following standards:
   A. The home shall have no less than 640 square feet of floor area, above grade, for single story construction.
   B. The home shall have no less than a 20-foot exterior width.
   C. The home shall have a permanent foundation, defined as a continuous perimeter base on which the building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed at a depth required by the City Building Code.

204. "Dwelling, single-family attached" - see "dwelling, townhouse."

205. "Dwelling, townhouse" means a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical walls.

206. "Dwelling, two-family" means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

207. "Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

208. "Earth sheltering" means an architectural practice of using earth against building walls for external thermal mass, to reduce heat loss, and to easily maintain a steady indoor air temperature.
209. "Easement" means an authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.

210. "Educational institution" means a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (i) offer general academic instruction equivalent to the standards established by the State Board of Education; or (ii) confer degrees as a college or university or undergraduate or graduate standing; or (iii) conduct research; or (iv) give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, and commercial or private trade schools are not included in this definition.

211. "Effective date" means the date that this chapter is adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.

212. "Elder group home" means a single-family residence that is operated by a person who is providing room, board, and personal care and may provide health-related services to three to five elders who are not related to the person providing the service within the third degree of consanguinity or affinity, and which is staffed by an on-site manager 24 hours per day, seven days per week, and which is certified by the State as an elder group home in accordance with State law.

213. "Emergency residential shelter" means a residential facility which provides room and board for a temporary (30 days or less) period, protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

214. "Encroachment" means an advancement or intrusion beyond the lines or limits as designated and established by this Code of Ordinances.

215. "Enlargement" means the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

216. "Equipment rental and sales" means the sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage,
maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

217. “Equipment repair services” means the repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

218. “Erected” mean constructed upon or moved onto a site.

219. “Ethanol plant” means a facility where the conversion of biomass into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

220. “Evergreen or coniferous screen” means landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.

221. “Existing and lawful” means the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized, or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

222. “Expansion” means the enlargement of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

223. “Expressway” means a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

224. “Exterior building component” means the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

225. “Extraterritorial jurisdiction” means the area beyond the corporate limits, in which the City has been granted the powers by the State to exercise subdivision review and is exercising such powers.

226. “Exurban” means the area that lies beyond the corporate limits and its suburbs.

227. “Facade” means the exterior wall of a building exposed to public view from the building’s exterior.

228. “Factory” means a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

229. “Family” means any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage or formal adoption plus not more than two additional people not so related, except that foster children and persons with disabilities as defined in this Code of Ordinances shall be considered a family.

230. “Family home” means a community-based residential home which is licensed as a residential care facility or as a child foster care facility under State law, to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster family home licensed by the State.

231. “Farmer’s market” means an occasional or periodic market held in an open area or in a structure where groups of sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second hand goods) dispensed from booths located on-site.

232. “Farming” means the raising of field crops and livestock, horticulture, forestry, animal husbandry and similar agricultural activities.


234. “Fence” means a structure or hedge serving as an enclosure, barrier or boundary above ground.
235. “Fence, garden” means any temporary fence, customarily used around a garden or flower bed, consisting of metal or small diameter wooden stakes with either plastic or wire fencing which must be able to be completely removed by one person within 30 minutes. Garden fence may also be a snow fence, not to exceed four feet in height.

(Ordinance 659, dated August 3, 2017)

236. “Fence, invisible” means an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

237. “Fence, open” means a fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.

238. “Fence, solid” means any fence that does not qualify as an open fence.

239. “Financial services” means the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.

240. “Findings of fact” means those factual items determined and recorded for either approving or denying any type of application as it pertains to the Planning and Zoning Commission, Board of Adjustment, Development Review Committee, and City Council.

241. “Fireworks stand” means any tent or structure used for the retail sale of fireworks, on a temporary basis.

242. “Fireworks storage” means any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

243. “Flammable liquids” means any liquid that gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below a temperature of 80°F.

244. “Flea market” means the sale of used merchandise customarily involving tables or space leased or rented to vendors.

245. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; or (ii) the unusual and rapid accumulation of runoff of surface waters from any source.

246. “Floodplain” means any land area susceptible to being inundated by water from any source as determined by the FIRM map.

247. “Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

248. “Floodway” means the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

249. “Floor area” means the square feet of floor space within the outside line of the walls, including the total of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.

250. “Food sales” means establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

251. “Foundation” means that part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.

252. “Freestanding canopy” means a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.
253. "Freight terminal" means a building or area in which freight brought by motor truck, barge, air, or rail is received, assembled or stored and dispatched for routing and may include storage.

254. "Frontage" means that portion of a parcel of property or block that abuts a dedicated public street or highway.

255. "Frontage road" means a street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

256. "Funeral home" or "mortuary" means a building used for the storage, preparation, and display of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home or mortuary.

257. "Garage, residential" means a detached or attached accessory building for the storage of private passenger vehicles or recreational equipment with a capacity of not more than three single stalls per dwelling unit and where no repair facilities are maintained.

258. "Garage, repair" means a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also see "service station."

259. "Garbage" means any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

260. "Garden, community" means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one family.

261. "Garden, noncommercial" means a plot of ground where fruits, herbs, flowers, vegetables, or other plants are grown for which the owner or operator derives no compensation on the site.

262. "Gas station" means a building and/or premises where gasoline, oil and minor auto accessories may be supplied and dispensed at retail and may include an automated customer activated fuel dispensing system. A gas station is not a service station. For other services in addition to the sales of gasoline, see "service station."

263. "General merchandise retailer" means a business that stocks and sells products and services to the general public for a cost.

264. "General merchandise wholesaler" means a business that sells general merchandise or specific types of goods typically at a wholesale or reduced price.

265. "General offices" means the use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

266. "Golf course" means a standard sized layout of at least nine holes and does not include miniature golf courses, par-3 golf courses, pitch and putt courses, or driving ranges.
267. “Grade” means the mean elevation of the ground measured along the wall of a building or a lot line, or the top of a street curb or official grade of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.

268. “Green roof” means a roof covering of vegetation material, typically consisting of the following components: an insulation layer, a waterproof membrane to protect the building from leaks, a root barrier to prevent roots from penetrating the waterproof membrane; a drainage layer, usually made of lightweight gravel, clay, or plastic; a geotextile or filter mat that allows water to soak through but prevents erosion of fine soil particles; a growing medium; plants; and, sometimes, a wind blanket.

269. “Green roof, extensive” means a green roof system that ranges from as little as one to five inches in soil depth. Extensive green roof systems generally add less load and require less maintenance than intensive green roof systems.

270. “Green roof, intensive” means a green roof system that requires a minimum of one foot of soil depth to create a more traditional rooftop garden, with large trees, shrubs and other manicured landscapes. They are multiple-layer constructions, often including elaborate irrigation and drainage systems, adding considerable load to a structure, and requiring intensive maintenance.

271. “Greenhouse, commercial” means a building or premises used for growing plants, preparation of floral arrangements, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes, including for sale on or off the premises.

272. “Greenhouse, noncommercial” means a building constructed for the cultivation of plants but not for sale on the premises.

273. “Greenway” means a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar accessway.

274. “Grocery store” means a retail establishment primarily selling prepackaged and perishable food as well as convenience and household goods and having a gross floor area of less than 60,000 square feet.

275. “Gross floor area” means the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

276. “Groundcover” means plant material used in landscaping which remains less than 12 inches in height at maturity.

277. “Groundwater” means water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

278. “Group home” means any group of persons not meeting the definition of “family” and occupying a single dwelling unit living together as a single housekeeping unit, but not including a boarding or rooming house.

279. “Group housing” means two or more separate buildings on a lot, each containing one or more dwelling units.

280. “Guest room” means a room, which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

281. “Half-story” means a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

282. “Halfway house” means a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

283. “Hard surfaced” means any surface used for movement of vehicular and/or pedestrian traffic that is designed and paved with either asphalt, concrete, permeable pavement, or pavers to City standards, but shall not include surfacing materials such as crushed rock, gravel, cinder, or surface sealants.

284. “Hazardous waste” means waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste
285. “Health club” means a privately owned facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

286. “Hedge” mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

287. “Height, maximum” means the total height of any structure including any signage or other attachments to a structure.

288. “Historic district” means an area designated as a historic district by ordinance and which contains within definable geographic boundaries, properties, or buildings, that may or may not be landmarks but which contribute to the overall historic character of the designated area.

289. “Home-based business/occupation, general” means a business, occupation, or profession carried on within a residential dwelling by the resident thereof.

290. “Home improvement center” means a facility of at least 60,000 gross square feet, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint and glass, house wares and household appliances, garden supplies, and cutlery.

291. “Homeless shelter” — see “temporary shelter.”

292. “Homeowners association” means a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

293. “Horse” means a large solid-hoofed herbivorous mammal (equus caballus, family equidae, the horse family) domesticated since a prehistoric period and used as a beast of burden, a draft animal, or for riding.

294. “Horticulture” means the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

295. “Hospice” means a medical and residential facility for terminally ill people, providing inpatient services and support services for families of the residents and patients.

296. “Hospital” means an institution that provides medical, surgical or psychiatric care and treatment for the sick and injured.

297. “Hotel” means a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word “hotel” includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

298. “Household pet” means an animal that is customarily kept for personal use or enjoyment within the home, including but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents. A household pet does not include livestock.

299. “Housing for the elderly and persons with disabilities” means a multiple-family structure designed, maintained and operated for the exclusive occupancy by the elderly and/or persons with a disability as defined by the regulations of HUD and providing that one dwelling unit may be for a resident manager who shall be exempt from occupancy age limitations and disabilities.

300. “Impermeable surface” means a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.

301. “Improvement” means a any change to land necessary to prepare it for building sites, including (but not limited to) grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainageways, and other public works and appurtenances.

302. “Incidental use” means a use that is subordinate to the main use of a premises.

303. “Industrial park” means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility
needs, aesthetics, and compatibility.

304. “Industrial uses” means the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

305. “Industrial, general” means enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

306. “Industrial, heavy” means enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

307. “Industrial, light” means establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

308. “Infill development” means the construction of a building or structure on a vacant parcel located in a predominantly built up area.

309. “Infill site” means any vacant lot, parcel or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided a predominantly built up area.

310. “Infrastructure” means facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

311. “Institution” means a facility that provides a public service and is operated by a federal, State, or local government, public or private utility, public or private school or college, church, hospital, public agency, or tax-exempt organization.

312. “Intensification of use” means any change, alteration, extension, expansion or enlargement of a use or use of structure in combination where the off-street parking requirements of this Zoning Code would be calculated at a higher ratio and/or would require that additional off-street parking spaces be provided.

313. “Intensity” means the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensity uses.

314. “Irregular tract” means a parcel of land that has not been subdivided through adopted plat procedures, but nonetheless has been assigned a number for identification purposes.

315. “Junk yard” means any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment result from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see “automobile wrecking yard.”

316. “Kennel, commercial” means an establishment where dogs or cats, or other household pets at least four months of age are groomed, bred, boarded, trained, or sold as a business.

317. “Kennel, private” means an establishment where four or more dogs or cats, or combination thereof, or other household pets at least four months of age, excluding vicious animals, are raised, bred, or boarded.

318. “Lagoon” means a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the IDNR.
319. "Landfill" means a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with State and federal requirements.

320. "Landscape" means plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

321. "Landscaped area" means the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including (but not limited to) grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

322. "Perimeter landscaped area" means any required landscaped area that adjoins the exterior boundary of a lot, site or common development.

323. "Interior landscaped area" means any landscaped area within a site exclusive of required perimeter landscaping.

324. "Landscape design and installation" means a business engaged in the design, installation, and maintenance of commercial and residential landscapes, which may include an office and indoor or outdoor storage areas for materials and equipment.

325. "Landscaping" includes the installation of vegetation, hardscape, and/or xeriscaping, in conformity with the requirements of this Zoning Code and the continued maintenance thereof.

326. "Laundry, self service" means an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

327. "Life care facility" means a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility.

328. "Limits of grading" means the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

329. "Liquor sales" means establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

330. "Livestock" means animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation, including (but not limited to) horses, cattle, sheep, swine, goats, ducks, chickens, and turkeys.

331. "Live/work space" means buildings or spaces within buildings that combine residential living space with an integrated work space for use by one or more residents.

332. "Loading area/space" means an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

333. "Lot" means a distinct parcel, tract or portion of a subdivision, the location, dimensions, and boundaries of which are determined by a plat.

334. "Lot, corner" (blue) means a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot is considered an "interior lot."
335. "Lot, double frontage, or through" (red) means a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

336. "Lot, flag" (orange) means an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

337. "Lot, interior" (green) means a lot other than a corner lot.

338. "Lot area" means the total horizontal area included within the boundaries of the lot lines of a lot.

339. "Lot coverage" means that portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.

340. "Lot depth" means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

341. "Lot frontage" means the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

342. "Lot line" means the property line bounding a lot.

343. "Lot line, front" means the property line abutting a street.

344. "Lot line, rear" means a lot line not abutting a street which is opposite and most distant from the front lot line.

345. "Lot line, side" means any lot line not a front lot line or rear lot line.

346. "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or lot or parcel described by metes and bounds, the description to which has been so recorded.

347. "Lot width" means the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

348. "Lot, zero lot line" means a common lot line on which a wall of a structure may be constructed.

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

A. A single-lot of record;

B. A portion of a lot of record;

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

D. A parcel of land described by metes and bounds;
provided that in no case of division or combination shall any residual lot or parcel be created which does meet the requirements of this Zoning Code.

350. "Luminaire, cut-off" means a luminaire with elements, reflectors, or refractor angles that direct and cut off the light at a cutoff angle less than 72 degrees.

351. "Mall" means a group of at least four commercial units, either physically connected or not, which share a common required parking lot.

(Ordinance 650, March 23, 2017)

352. "Manufactured home" – see "dwelling, manufactured home."

353. "Manufacturing" means the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

354. "Manufacturing, custom" means establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:
   A. The use of hand tools; or
   B. The use of domestic mechanical equipment not exceeding two horsepower; or
   C. A single kiln not exceeding eight KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

355. "Masonry" means any material fabricated from concrete, clay, stone, or rock and typically placed in specific patterns and adhered with mortar or grout.

356. "Masonry, decorative" means materials such as clay or concrete bricks, stone materials, Faux-Stone, Manufactured Stone veneers, and natural or faux-rock materials.
357. “Massage therapy” means an establishment other than a regularly licensed and established hospital or
dispensary where non-medical manipulative exercises or devices are practiced upon the human body manually
or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical
therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing
devices. This definition does not infer uses defined in Chapter 128 of this Code of Ordinances.

358. “Master fee schedule” means a fee schedule maintained by the City and passed, and amended
periodically, which establishes the required fees to be collected for specific planning, zoning, and subdivision
activities.

359. “Mechanical equipment” means equipment, devices, and accessories, the use of which relates to water
supply, drainage, heating, ventilating, air conditioning, and similar purposes.

360. “Medical offices” means a business establishment, or portion thereof, furnishing medical, surgical, or
other service to individuals, including the offices of physicians, dentists, and other health practitioners,
accessory medical and dental labs, outpatient care facilities, blood banks, and oxygen and miscellaneous types
of medical supplies and services.

361. “Mini-storage or mini-warehouse” means a building or group of buildings containing individual,
compartmentalized, and controlled access stalls or lockers for storage.

362. “Miscellaneous structures” means structures, other than buildings, visible from public ways. Examples
are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and
transformers.

363. “Mixed use” means properties where various uses, such as office, commercial, institutional, and
residential are combined in a single building or on a single site in an integrated development project with
significant functional interrelationships and a coherent physical design.

364. “Mixed use building” means a building or structure that incorporates two or more use types within a
single building or structure, provided that each use type is permitted within the individual base zoning district in
which the building or structure is to be located.

365. “Mixed use development” means a single development that incorporates complementary land use
types into a single development.

366. “Mobile food unit” means a temporary food service establishment that is vehicle-mounted and is
designed to be readily movable.

367. “Mobile home” – see “dwelling, mobile home.”

368. “Mobile home community” means the same as land-leased community defined in Sections 335.30A
and 414.28A of the Code of Iowa. The term “manufactured home community” shall not be construed to include
manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual,
educational institution, or company on its own premises and used exclusively to house its own labor or
students.
369. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term “mobile home park” shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house its own labor or students.

370. “Monastery” means a place of residence for bona fide members of a religious order who carry on religious, medical, educational, or charitable work in adjacent institutions.

371. “Moratorium” means a temporary halting of specific development activities for a specific timeframe.

372. “Motel” — see “hotel.”

373. “Motor freight terminal” means a building or area in which freight brought by motor truck is received, assembled, or stored and dispatched for routing by motor truck, which may include motor truck storage.


375. “Museum” means an institution devoted to the procurement, care, study, and display of objects of lasting interest and value.

376. “Nightclub” means a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided, except when defined in Chapter 128 of this Code of Ordinances. Also see “bar.”

377. “Nonconforming building” means a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

378. “Nonconforming lot” means a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Zoning Code.

379. “Nonconforming use” means a use lawful when established but which does not conform to subsequently established zoning regulations.

380. “Non-farm buildings” means all buildings except those buildings utilized for agricultural purposes on a farm.

381. “Nursery” means the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

382. “Nursing home” or “convalescent home” means an establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures.

383. “Office, general” means a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

384. “Office park” means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

385. “Official zoning district map” means a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the City Council.

386. “Off-street parking area” means all off-street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
387. “Old Town,” for the purpose of this Zoning Code, refers to an area of the City that lies within the boundaries of First Street on the south, Interstate 29 on the west, Eighth Street on the north, and all properties addressed on G Street on the east.

(Ordinance 655 dated July 20, 2017)

388. “Open feedlot operation” means an unroofed or partially roofed animal feeding operation if crop, vegetation, or forage growth or residue is not maintained as part of the animal feeding operation during the period that animals are confined in the animal feeding operation.

389. “Open lots” means pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

390. “Open space” means that part of a lot or parcel not devoted to buildings, structures, parking or loading areas, driveways, or any principal or accessory use.

391. “Open space, common” means a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots, or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

392. “Open space, usable” means an area of land or water or combination of land and water which may include complimentary structures and improvements within the site, excluding space devoted to parking, designed and intended for common use and enjoyment.

393. “Outdoor advertising” – see Chapter 155 of this Code of Ordinances.

394. “Outdoor storage containers” means a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement and not exceeding eight feet in width, 12 feet in height, and 40 feet in length or a total enclosed floor area of 320 square feet. The unit must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, electricity, plumbing, or other mechanical systems as part of its assembly or use.

395. “Outlet store” means a commercial development that consists mostly of manufacturers’ outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.

396. “Overlay district” means a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

397. “Owner” means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

398. “Package liquor store” means an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

399. “Paintball course” means a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit by visit basis that allows individuals to participate in paintball activities.

400. “Parcel” means a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

401. “Park” means any public or private land available for recreational, educational, cultural, or aesthetic use.

402. “Parking, off-street” means all hard-surfaced areas other than public rights-of-way for the purpose of parking vehicles.

403. “Parking, on-street” means the space designated for parking a vehicle within the paved portion of the street right-of-way.

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404. “Parking aisle” means an area within a parking facility intended to provide ingress and egress to parking spaces.

405. “Parking lot” means an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

406. “Parking lot, private” means an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

407. “Parking lot, public” means an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

408. “Parking, shared” means a public or private parking area used jointly by two or more uses.

409. “Parking space, automobile” means an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension less than nine feet by 20 feet, plus such additional area as is for parking aisles.

410. “Parkway” means the area, excluding the sidewalk, if any, between the property line and the curb, or in the absence of a curb, between the property line and the nearest edge of the street paving.

411. “Paved” means permanently surfaced with poured concrete or asphalt.

412. “Performance guarantee” means a financial guarantee to ensure that all improvements, facilities, or work required by this Zoning Code will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

413. “Permanent foundation” means a base constructed from either poured concrete or laid masonry block and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

414. “Permeable pavement” means a hard surfaced pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. For purposes of this Zoning Code, this does not include gravel, cinders, crushed rock or seal coat.

415. “Permanent storage” means the long-term storage on-site within an accessory building or structure.

416. “Permitted use” means any land use allowed without condition within a zoning district.

417. “Permanently attached” means attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

418. “Person” means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

419. “Personal services” means uses providing human services exclusively to private individuals as the ultimate consumer. Personal services are not limited to but include grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services, and temporary personal in-home care.

420. “Pet daycare” means an establishment where a household pet can be left for a period of time less than 24 hours, where kenneling does not occur.

421. “Pet shop” means a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.

422. “Planned unit development” (PUD) means a planning process and district for the purpose of providing for a unique and flexible arrangement of residential, business, or industrial uses in accordance with an approved conceptual plan.

423. “Planning and Zoning Commission” means the Planning and Zoning Commission of Sergeant Bluff, Iowa.

424. “Plant materials” means trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs and other such vegetation.
425. "Plat" means a map showing the location, boundaries, and legal description of individual properties.

426. "Pole building" means a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass or wood covering to form the building.

427. "Policy" means a statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

428. "Pony" means a small horse, especially one of any of several breeds of very small stocky animals.

429. "Porch, unenclosed" means a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than 30 inches above its floor other than wire screening and a roof with supporting structure.

430. "Premises" means a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract, and includes a building or land within a prescribed area.

431. "Preschool" – see "child care center, licensed."

432. "Preservation" means the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

433. "Principal structure" means the main building or structure on a lot, within which the main or primary use of the lot or premises is located. Within a residential district, the dwelling is the primary structure.

434. "Principal use" means the main use of land or structure, as distinguished from an accessory use.

435. "Processing or assembly" means the preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

436. "Professional services" means services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants.

437. "Prohibited use" means any use of land, other than nonconforming, which is not listed as a permitted use, conditional use, or accessory use within a zoning district.

438. "Promotional device" means any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, feather signs, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.

439. "Property line" means the legal, platted boundary of a lot or parcel of land.

440. "Protected zone" means all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of this Zoning Code.

441. "Public facility" means any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

442. "Public use" means a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

443. "Public utility" means all or part of a waterworks, gasworks, sanitary sewage system, storm water drainage system, electric light and power plant and system, heating plant, cable communication or television system, telephone or telecommunications systems or services offered separately or combined with any system or service specified herein or authorized by other state law, any of which may be owned by a City, including all land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the utility.

444. "Public utility easement" means a portion of a lot or block in which the City and all public utilities enfranchised by the City have a right of passage and/or a right to install and maintain pipes, wires, poles, conduits, and other equipment necessary to carry out public or quasi-public services.

445. "Public way" means any sidewalk, street, alley, highway, easement, or other public thoroughfare.
446. “Quarry” means an excavation activity designed to mine, extract, or remove specific natural resources for commercial purposes. This does not include underground mining and extraction.

447. “Quarry rehabilitation” means to provide slopes that will be covered with a layer of soil and revegetated where practical. It applies to the rehabilitation of all kinds of sand, gravel, and rock excavations to obtain fill or construction materials and from which no further removal of materials is intended, as well as to resource extraction. Rehabilitation is intended to minimize the hazardous and unsightly nature of abandoned pits, and if practical, to return the area to some productive use.

448. “Quasi-public use” means a use conducted by, or a facility or structure owned or operated by, a nonprofit, religious, or eleemosynary institution that provides educational, cultural, recreational, religious, or other similar types of public services.

449. “Queue space” means a temporary waiting area for motor vehicles obtaining a service or other activity.

450. “Racetrack” means a measured course where animals or machines are entered in competitions against one another or against time.

451. “Railroad” means the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

452. “Recreation, indoor” means a facility for relaxation, diversion, amusement or entertainment where such activity occurs within a building or structure.

453. “Recreation, outdoor” means a facility for relaxation, diversion, amusement or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.

454. “Recreational facility” means facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

455. “Recreational vehicle” (RV) means a vehicular unit designed for recreational camping or travel use under its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

456. “Recreational vehicle park” means a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

457. “Redevelopment” means the act of rehabilitation or demolition of existing buildings and/or land area irrespective of whether a change occurs in land use.

458. “Religious uses” means a use by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site, or religious camp.

459. “Remote parking” means a supply of off-street parking at a location not on the site of a given development.

460. “Renewable energy” means energy sources including wind, solar power, biomass, and hydropower, that can be regenerated and that is much less polluting than nuclear or fossil fuels.

461. “Renewable resource” means a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

462. “Residence” means a building used, designed, or intended to be used as a home or dwelling place for one or more families.

463. “Resource recovery/recycling center” means indoor and outdoor facilities for obtaining useful materials or energy from solid waste or recycled materials. Materials can be reused for their original purpose, packaged and shipped elsewhere, reprocessed for a different purpose or converted into energy, not to include a biofuels plant or a salvage yard.
464. "Restaurant" means a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building.

465. "Restaurant, drive-in/carryout" means any business establishment or portion thereof where food is prepared for sale for consumption off the premises and/or served in disposable containers or wrappers, including all fast food restaurants equipped with a drive-through service and/or having a carryout service, and not serving beer, wine, or alcoholic beverages.

466. "Restaurant, entertainment" means a restaurant establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

467. "Restaurant, indoor" means any business establishment or portion thereof where food is prepared for sale for consumption on the premises, including all sit-down restaurants, where food and beverage are served in non-disposable containers and which may involve carryout service and the serving of beer, wine, and alcoholic beverages on the premises of a limited nature as an accessory use to the restaurant, as defined in this section.

468. "Resource extraction" means a use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.

469. "Retail commercial" means establishments less than 60,000 square feet engaged in selling or renting goods or merchandise to the general public for personal or household consumption and/or services in conjunction or separate to the sale of such goods. Retail sales/service establishments shall not include eating and drinking places, uses defined as adult entertainment, vehicle sales or service, or wholesale, processing or manufacturing operations with an accessory retail outlet on the premises.

470. "Retail sales and service" means establishments less than 60,000 square feet engaged in selling or renting goods or merchandise to the general public for personal or household consumption and/or services in conjunction or separate to the sale of such goods. Retail sales/service establishments shall not include eating and drinking places, uses defined as adult entertainment, vehicle sales or service, or wholesale, processing or manufacturing operations with an accessory retail outlet on the premises.

471. "Retention basin" means a facility for the temporary storage of storm water with a permanent water surface.

472. "Retirement home" means a residential complex containing multi-family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.

473. "Rezoning" means an amendment to or change in the Zoning Code, either to the text or map or both.

474. "Rezoning, piecemeal" means the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

475. "Right-of-way" means an area or strip of land, either public or private, on which an irrevocable rite of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles, utilities and/or pedestrians.
476. “Road, private” means a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also see “right-of-way” and “street.”

477. “Road, public” means all public rights-of-way reserved or dedicated for street or road traffic. Also see “right-of-way” and “street.”

478. “Roadside stand” means a structure for the display and sale of products on a temporary or seasonal basis.

479. “Room” means an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

480. “Salvage services” means places of business engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms.

481. “Salvage yard” means any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal, including (but not limited to) machinery, appliances, farm equipment, and including motor vehicles, equipment, and parts that are a result of the dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials.

482. “Sanitary transfer station” means a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and federal agencies.

483. “Satellite dish antenna” means a parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

484. “Scale” means proportional relationship of the size of parts to one another and to the human figure.

485. “Scenic easement” means an easement for the purpose of limiting land development in order to preserve a view or scenic area.

486. “School, business or trade” means a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

487. “School or nursery” – see “child care center, licensed.”

488. “School, elementary, junior high, or senior high” means public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by State law.

489. “Screening” means a structure or planting that conceals from public view the area behind such structure or planting.

490. “Selective clearing” means the careful and planned removal or trees, shrubs, and plants using specific standards and protection measures.

491. “Self-service station” means an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

492. “Self-service storage facility” means a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

493. “Semi-hard surfaced” means any surface which is four inches thick poured concrete, asphalt, crushed concrete (with minimum one and one-half inch aggregate) or crushed asphalt.

(Ordinance 659, dated August 3, 2017)

494. “Separate ownership” means ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

495. “Septic site” means the area bounded by the dimensions required for the proper location of the septic tank system.
496. "Service station" means a building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

497. "Setback" means the minimum distance, as prescribed by this Zoning Code, measured from the edge of the eve or other similar building component located closest to the lot line.

498. "Setback line, front yard" – see "yard, front."

499. "Setback line, rear yard" – see "yard, rear."

500. "Setback line, side yard" – see "yard, side."

501. "Shopping center" means a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

502. "Shopping center, neighborhood" means a group of commercial establishments with off-street parking on the property that are generally planned and developed as an architectural unit, with a primary trade area of the neighborhood in which it is located.

503. "Shopping center, regional" means a group of commercial establishments with off-street parking on the property that are planned and developed as an architectural unit, a centrally managed facility requiring a highway or arterial location for their most beneficial operation, the market area of which includes the metropolitan area.

504. "Shrub" means a multi-stemmed woody plant other than a tree.

505. "Sidewalk café" means an area adjacent to a street level eating or drinking establishment located within the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof to maintain the required public sidewalk access.

506. "Sight triangle" is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and five feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets along the centerline of the streets.
507. "Sign" means and includes any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest.

508. "Similar use" means the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

509. "Simple division" means any division of land in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which creates fewer than three lots.

510. "Site" means the parcel of land to be developed or built upon. A site may encompass a single lot; a portion of a lot; or a group of lots developed as a common development under the special and overlay districts provisions of this Zoning Code.

511. "Site break" means a structural or landscape device used to interrupt long vistas and create visual interest in a site development.

512. "Site plan" means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

513. "Skates, in-line" means boot-type devices that are placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.

514. "Skate park" means a recreational facility containing skateboard ramps and other obstacle courses and devices for the use with skateboards and in-line skates.

515. "Skateboard" means a foot board mounted upon four or more wheels and is usually propelled by the user, who sometimes stands, sits, kneels, or lies upon the device while it is in motion.

516. "Skateboard" or "half pipe" means an outdoor structure that is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

517. "Skateboard ramp" means an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

518. "Sludge" means solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

519. "Specialized product store" means a retail commercial use that typically merchandises products of a similar nature such as, but not limited to electronics, jewelry, greeting cards.
520. “Spot zoning” means the zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group, but must be in the general public interest.

521. “Stable and/or riding academies” means the buildings, pens, and pasture areas used for the boarding and feeding of horses, llamas, or other equine animals not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses or equine animals for hire.

522. “Stadium” means a large, usually open structure for sports events with tiered seating for spectators.

523. “Storage” means the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

524. “Storage container, portable” means any container that can be loaded onto the chassis of a semi-trailer for the purpose of hauling materials and commodities. Portable storage containers are intended to be used as a load on-site and haul-off for storage off-site. Another name for these containers is “portable on demand storage.”

525. “Storm drain” means a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

526. “Storm water detention” — see Chapter 157 of this Code of Ordinances.

527. “Storm water management” — see Chapter 157 of this Code of Ordinances.

528. “Storm water runoff” — see Chapter 157 of this Code of Ordinances.

529. “Story” means a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

530. “Street” means a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Zoning Code.

531. “Street, arterial” means a street primarily intended to carry traffic from one part of the City to another and secondarily intended to provide access to abutting properties.

532. “Street, collector” means a street primarily intended to gather traffic from a subdivision and carry it to an arterial street, but also intended to provide direct access to abutting properties.

533. “Street, curvilinear” means local streets that deviate from straight alignment and change direction without sharp corners or bends.

534. “Street, local” means a street intended to provide direct access to abutting properties.

535. “Street, looped” means a continuous local street without intersecting streets and having its two outlets connected to the same street.

536. “Street, private” means an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term “private street” includes the term “place.”

537. “Street centerline” means the centerline of a street right-of-way as established by official surveys.

538. “Street frontage” — see “lot frontage.”

539. “Street, frontage access” means a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

540. “Street hardware” means man-made objects other than buildings that are part of the streetscape. Examples include (but are not limited to) lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

541. “Streetscape” means the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.
542. “Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

543. “Structure, temporary” means a building or structure erected for a one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes.

544. “Structural alteration” means any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

545. “Subdivision” means a tract of land divided into three or more lots.

546. “Subdivision plat” means a graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique.

547. “Supermarket” means a retail food establishment primarily selling prepackaged and perishable food as well as convenience and household goods and having a gross floor area of 60,000 square feet or more.

548. “Surface waters” means all waters within the jurisdiction of the State, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the State.

549. “Surplus sales” means businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

550. “Swimming pool, private” means a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

551. “Tanning studio” means any business that uses artificial light systems, spraying systems to produce a tan on an individual’s body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment as defined in Chapter 128 of this Code of Ordinances.

552. “Tattoo parlor/body piercing studio” means an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

553. “Tavern” - see “bar.”

554. “Taxidermy services” means an operation conducted solely within an enclosed building to include on-site preparation, stuffing, and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited.

555. “Temporary use” means impermanent uses of an occasional nature. Temporary uses involve the use of permanent structures and portable signs. Uses of a seasonal nature that recur periodically on a regular basis on the same site and reoccupy the same permanent structure shall not be considered temporary uses.

556. “Terrace” means a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

557. “Theater” means a building or structure used for dramatic, operatic, motion pictures, or other performances, for admission to which entrance money is received and limited audience participation or meal service.

558. “Tiny home or house” means a residential dwelling built to State and local building codes, not to exceed 400 square feet.

(Ord. 682 – Sep. 19 Supp.)

559. “Tower” means a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also see “antenna.”
560. “Townhouse” - see “dwelling, townhouse.”

561. “Tract” means a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

562. “Trailer, automobile” means a licensed vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

563. “Transit facility” means a small-scale covered waiting area for buses, taxis, and mass transit stops, typically with a separate loading lane.

564. “Tree” means any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.

565. “Tree cover” means an area directly beneath the crown and within the dripline of the tree.

566. “Truck repair” means the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

567. “Truck wash” means a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

568. “Unit,” within residential uses, means the specific apartment, dwelling unit, or condominium.

569. “Upper story housing” means one or more dwelling units located above the first floor where allowed within a commercial district.

570. “Up-zoning” means a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple-family residential district.

571. “Use” means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

572. “Use, best” means the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.

573. “Use, highest” means an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

574. “Used materials yard” means any lot or a portion of any lot used for the storage of used materials. This does not include junk yards or automobile wrecking yards.

575. “Utilitarian structure” means a structure or enclosure relating to mechanical or electrical services to a building or development.

576. “Utility easement” – see “easement.”

577. “Utility hardware” means devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

578. “Utility service” means any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil, wastewater and communications into a building or development.

579. “Value” means the estimated cost to replace a structure in kind, based on current replacement costs.

580. “Variance” means a relief from or variation from the strict application of the bulk regulations, as applied to a specific piece of property, which may be granted by the ZBA according to the provisions of this Zoning Code.

581. “Vegetation” means trees, shrubs, and vines.
582. “Vehicle,” for the purposes of this Zoning Code only, shall be broadly interpreted to mean any implement of conveyance designed or used for the transportation of people or materials on land or water, including (but not limited to) automobiles, trucks, bicycles, motorcycles, snowmobiles, ATVs, boats (on a trailer), trailers of all kinds, campers, wagons, and farm implements.

(Ordinance 659, dated August 3, 2017)

583. “Vehicle, motor” – see “motor vehicle.”

584. “Vehicle body shop” means a facility which provides vehicle collision repair services, including body frame straightening, replacement of damaged parts, and painting, but does not include mechanical engine or power train repair.

585. “Vehicle sales” means the storage and display for the retail or wholesale sale, rental, or lease of more than two new or used vehicles, and which may include facilities for the incidental repair or body work of vehicles.

586. “Vehicle service or repair” means a facility providing major vehicle repair such as tire capping, bodywork, frame straightening, welding, painting, storage of non-operable vehicles and the sale of motor fuels, tires and lubricants for retail sale directly to the motorist consumer. As an accessory use, the selling of vehicles with salvage titles may occur on a limited basis provided they are stored in a building. Vehicles with salvage titles may be stored in the rear yard of the property provided the vehicles are not stacked on top of other vehicles and materials and are permanently screened from view to a height of at least six feet with at least 50 percent opacity. The sale of used parts other than as an incidental part of the business is prohibited.

587. “Vending machine” means any unattended self-service device that, upon insertion of a coin, coins, tokens, debit and/or credit cards or by similar means, dispenses food, beverage, goods, rental materials, wares, merchandise, or services.

588. “Vending machine, reverse” means an automated mechanical device that accepts at least one or more types of empty beverage containers, including (but not limited to) aluminum cans and glass or plastic bottles and that issues a cash refund or a redeemable credit, provided that the entire process is enclosed within the entire machine. A reverse vending machine may be designed to accept more than one container at a time, paying by weight instead of the container.

589. “Veterinary services” means services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

590. “Visual obstruction” means any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limits the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of five feet.

591. “Warehouse” means a building used primarily for the storage of goods and materials.

592. “Warehouse club operation” means an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

593. “Warehouse and distribution” means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

594. “Warehousing (enclosed)” means uses including storage, warehousing, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

595. “Warehousing (open)” means uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, materials yards, open storage.

596. “Wastewater lagoon” – see “lagoon.”

597. “Watercourse” means natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks, and other natural waterways. This definition includes waterways that have been channelized, but does not include man-made channels, ditches, and underground drainage and sewage systems.
598. "Waters of the State" means all waters within the jurisdiction of this State, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the State.

599. "Wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

600. "Wholesale club" means a retail store that sells a limited assortment of merchandise to customers who are members of the club.

601. "Wholesale establishment" means an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

602. "Wholesale trade" means the selling of merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or buyers acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

603. "Wildlife conservation area" means an area dedicated to conservation of wildlife and wildlife habitat.

604. "Wireless communication tower" means a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located; provided, however, noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.

605. "Xeriscaping" means landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.

606. "Yard" means any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Zoning Code.
607. "Yard, required front" (red) means an open space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

608. "Yard, required rear" (green) means an open space between the rear yard setback line and the rear lot line, extending the full width of the lot.

609. "Yard, required side" (blue) means an open space extending from the front yard, or from the front lot line where no front yard is required by this Zoning Code, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

610. "Zero lot line" – see "lot, zero lot line."

611. "Zoning Administrator" means the person or persons authorized and empowered by the City to administer and enforce the requirements of this Zoning Code.

612. "Zoning district" – see "district."

613. "Zoning district, change of" means the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zoning map of the City.

165A.08 MINIMUM STANDARDS.

The regulations set forth by this Zoning Code within each district shall be minimum standards applicable uniformly to each class or kind of building, structure, or land, except as provided hereinafter.

165A.09 SCOPE OF ZONING CODE.

No building, structure, or land in the unincorporated areas shall hereafter be used or occupied—and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered—except in conformity with the provisions of this Zoning Code herein specified for the district in which it is located and except after receiving a zoning permit from the Zoning Administrator.

165A.10 ZONING VARIANCE STANDARDS.

A variance is required if any of the following items are requested:

1. To reduce any required yard setbacks.
2. To exceed the height or bulk.
3. To occupy a greater percentage of lot area.
4. To accommodate or house a greater number of families.

165A.11 COMMISSION RECOMMENDATIONS.

Pursuant to Section 414.6 of the Code of Iowa, it shall be the purpose of the Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning and Zoning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report.

165A.12 DISTRICT REGULATIONS, RESTRICTIONS, BOUNDARY CREATION.

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings, as well as the location of the affected districts, by naming townships and sections and, if possible, by describing the roads and streets that form the boundaries of the affected area, shall be given by publication thereof in a paper of general circulation in the City at least one time, not less than four days or more than 20 days prior to such hearing.

165A.13 JURISDICTION.

The provisions of this Zoning Code shall apply within the corporate limits of the City, and as may be amended by subsequent annexation.
165A.14 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS.
In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Zoning Code are in conflict with the provisions of any other ordinance or municipal law, the ordinance or municipal law with the most restrictive provisions shall govern.

165A.15 ZONING AFFECTS EVERY BUILDING AND USE.
No building or land shall hereafter be used or reused and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a nonconforming use.

165A.16 LOTS.
Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided. More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the Planning and Zoning Commission and approved by the City Council.

1. Institutional buildings.
2. Public or semi-public buildings.
3. Multiple-family dwellings.
4. Commercial or industrial buildings.
5. Home for the aged.
6. Agricultural buildings.
7. Planned Unit Developments.

165A.17 REDUCTIONS IN LOT AREA PROHIBITED.
No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Zoning Code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

165A.18 OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS.
On a corner lot, there shall be provided an unobstructed view across a triangle formed by joining points measured 20 feet along the property line from the intersection of two streets or 15 feet along both the street and alley line from the intersection of a street and alley. Within the triangle there shall be no sight-obstructing or partly obscuring wall, fence, or foliage higher than 30 inches above grade or, in the case of trees, foliage lower than five feet. Vertical measurement shall be made at the top of curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.
165A.19 YARD REQUIREMENTS.

1. Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

2. No part of a yard or other open space or off-street parking or loading space required in connection with any building for the purpose of complying with this Zoning Code shall be included as part of a yard, open space, or off-street parking or loading space required for another building and or lot.

3. No yard or lot existing at the time of passage of Zoning Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Code shall meet the minimum requirements herein.

4. All accessory buildings when connected to the principal building (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.

5. The Zoning Administrator may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that: (i) more than 40 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Zoning Code; and (ii) a minority of such structures have observed or conformed to an average setback line. See illustration for different provisions:
6. The Zoning Administrator may permit a variation in rear yard setbacks to allow for new or relocated detached garages to conform to the average existing setback provided that: (i) more than 40 percent of the frontage on one side of an alley between intersecting streets is occupied by structures on the effective date of this Zoning Code, and (ii) a minority of such structures have observed or conformed to an average setback line. However, in no case shall this be permitted when Section 165A.22(8) of this chapter applies.

7. Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed and the buildings on this side of a block have developed and observed a front yard setback greater than the depth herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings, provided that no building shall be required to have a front yard setback greater than 50 feet.

8. Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and shall install and maintain landscaping and planting suitable to provide effective screening.

9. Any yard for a commercial or industrial use located within any Commercial or Industrial Zoning District that is adjacent to any residential use or district shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening, except in the Downtown Commercial District. Included in the increased yard, a solid or semi-solid fence or wall at least six feet (but not more than eight feet high) shall be provided adjacent to an adjoining residential district unless the adjacent residential district and industrial district are separated by a street right-of-way. Said fence shall:

A. Be maintained in good condition.

B. Be constructed of commercially available fencing.

C. When exceeding six feet in height, be required to be setback from the property line by one foot for every additional foot of height.

**165A.20 DRAINAGE.**

No building, structure, or use shall be erected on any land—and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel—that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands in accordance with Chapter 157 of this Code of Ordinances.

**165A.21 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.**

The following shall not be considered to be obstructions when located in the required yards:

1. All Yards.

   A. Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act are necessary for access to a permitted building or for access to a lot from a street or alley.

   B. Eaves, cornices and similar features may extend one foot into a required yard except eaves may encroach three feet into a yard space when such yard space is 10 feet or more in width.

   C. Open, uncovered porches or terraces no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 30 inches above grade on the side said porch or terrace is located. No railing or other barrier higher than 36 inches shall be placed around said porch or terrace and no such barrier which interferes appreciably with the passage of light or air shall be within five feet of any property line, except as otherwise provided in this Zoning Code. Said porches or terraces when located on corner lots shall meet all requirements for sight triangles.

   D. Chimneys projecting 24 inches or less into the yard.

   E. Playground and other recreational equipment.

   F. Clothes lines.

   G. Approved freestanding signs.

   H. Arbors and trellises.
I. Flag poles.

J. Window air conditioners projecting not more than 18 inches into the required yard.

K. Fences or walls subject to applicable height restrictions are permitted according to Section 165D.04.

2. Rear and Side Yards.

A. Open off-street parking spaces.

B. Outside elements of central air conditioning systems.

C. Emergency egress systems for basements on an existing structure.

3. Double Frontage Lots. The required front yard shall be provided on each street.

4. Building Groupings. For the purpose of the side yard regulations, a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

165A.22 ACCESSORY BUILDINGS AND USES.

1. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the principal building. No accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.

2. In no event shall an accessory building be used as a dwelling.

3. In no event shall a portable storage container be used as permanent storage/accessory building within any residential district.

4. No accessory building shall be constructed in the required front yard or in the required side yard along the principal building.

   (Ord. 683 - Sep-19 Supp.)

5. No accessory building shall be erected in or encroach upon the required front yard on a corner lot or the front yard of a double frontage lot.

6. Detached accessory buildings or structures shall not be placed or built in any easement and shall not be any closer than five feet from the principal building, other accessory buildings, or structures.

   (Ord. 683 - Sep-19 Supp.)

7. The principal structure and detached building shall remain as separate structures and maintain the required separation distances found in Subsection 6 above.

   (Ord. 683 - Sep-19 Supp.)
8. When a detached garage has access to an alley, the rear yard setback shall be increased to 20 feet for garages directly accessing the alley from the garage and door is parallel to the alley. Otherwise it shall be a minimum of five feet.

(Ord. 683 – Sep-19 Supp.)

9. Accessory building size limitations are as follows:
   A. With the exception of a detached garage, the total of all accessory buildings shall not exceed two and one-half percent of the total lot area within the AR District.
   B. The total of all accessory buildings in all other residential districts shall not exceed 30 percent of the area of the required rear yard extended to the principal building.

(Ord. 683 – Sep-19 Supp.)

10. All swimming pools shall comply with the 2015 International Residential Code, Chapter 42, and all subsequent versions.

(Ord. 683 – Sep-19 Supp.)

11. Detached private garages and accessory buildings in the Residential Districts within the corporate limits of the City for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction (i.e., but limited to wood or steel stud framing, sheathing, and exterior finish).
   A. Such structures shall be constructed of materials that meet building code requirements.
   B. The maximum overall height of said building shall be in accordance with the height and lot requirements for each zoned area in Chapter 165B.
   C. Detached garages shall have an overhang of at least six inches.
   D. Accessory buildings with a door that is greater than six feet wide shall require a concrete or asphalt driveway installed to an alley or existing driveway.
   E. Accessory buildings larger than 150 square feet shall be constructed and finished in a manner that is similar and complimentary to, or compatible with, the principal building and the neighborhood (design, colors, roof line, and building materials) and shall not be clad in unpainted or galvanized metal. Any appeal from or waiver of this subsection shall be made to the Board of Adjustment.

(Ord. 683 – Sep-19 Supp.)

12. Regulations for accessory uses shall be as follows:
   A. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
   B. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.
   C. Storage and parking of any boat, boat trailer, camp trailer, or other vehicle shall not be permitted in the required front yard; except on the designated driveway. Said vehicles may be placed on crushed rock, semi-hard surfaced or hard surfaced area in a rear yard. The parking of any of these vehicles in a side yard shall be on a hard-surfaced area.

(Ordinance 659, dated August 3, 2017)

D. Vehicles not stored inside an enclosed garage or shed, but stored on a residential lot shall be limited to five per lot. Said lot shall be an occupied primary residence and not be vacant.

(Ordinance 659, dated August 3, 2017)

E. Farm implements shall not be allowed within any residential district smaller than one and one-half acres.

(Ordinance 659, dated August 3, 2017)
F. Watercraft of any size, not on a trailer, shall be stored inside an enclosed garage or shed.  

(Ordinance 659, dated August 3, 2017)

G. Unattached pick-up toppers shall be stored inside a garage or shed.  

(Ordinance 659, dated August 3, 2017)

13. Property owners of vacant lots in Old Town may apply for and obtain a conditional use permit pursuant to Section 165C.01 of this Zoning Code to have one garage or accessory structure without a residence, provided that the garage or accessory structure is placed within the boundaries of a rear lot to accommodate the later construction of a residence. Any vehicle storage on such a lot must be on a paved driveway.  

(Ordinance 659, dated August 3, 2017)

165A.23 PERMITTED MODIFICATIONS OF HEIGHT REGULATIONS.

1. The height limitations of this Zoning Code shall not apply to:
   Air pollution prevention devices
   Belfries
   Chimneys
   Church spires
   Commercial elevator penthouses
   Conveyors
   Cooling towers
   Domes
   Elevator bulkheads
   Fire towers
   Flag poles
   Grain elevators
   Observation towers
   Ornamental towers, cupolas and spires
   Public and semi-public buildings including hospitals, churches, sanitariums, schools and water reservoir towers
   Public monuments
   Radio or television towers less than 125 feet tall
   Silos
   Smoke stacks
   Stage towers or scenery lots
   Storage towers
   Tanks
   Water towers and standpipes
   Web cameras and meteorological equipment

2. Exceptions to the height restrictions shall not be granted in cases where they would violate height restrictions of the aircraft approach and turning zone.
3. Any of the above except flagpoles and chimneys, when located in any zoning district and with a height limit of 45 feet or less, shall be allowed only upon finding of the Board of Adjustment that the appurtenances will not be unduly detrimental to the surrounding property.

4. When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

**165A.24 NONCONFORMING, GENERAL INTENT.**

It is the intent of this chapter to permit lawful nonconformities to continue until they are removed, but not encourage their survival. Such uses are declared by this section to be incompatible with permitted uses in the districts involved. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded, or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this Zoning Code.

**165A.25 NONCONFORMING LOTS OF RECORD.**

In any district, notwithstanding limitations imposed by other provision of this Zoning Code, a primary structure and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

**165A.26 NONCONFORMING STRUCTURES.**

1. Authority to Continue. Any structure that is devoted to a use that is permitted in the zoning district in which it is located, but which is located on a lot that does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

2. Enlargement, Repair, Alterations. Any such structure described in Subsection 1 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by conditional use permit unless otherwise approved or as specified in the Residential District.

3. Damage or Destruction. In the event that any structure described in Subsection 1 is damaged or destroyed, by any means other than intentional destruction, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided, structures located on a lot that does not comply with the applicable lot size requirements in this section shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 50 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion. Complete reconstruction of a nonconforming structure may be allowed through a conditional use permit if the structure is damaged or destroyed by natural means and not through intentional destruction or actions of the property owner or tenant. Reconstructed structures shall not be allowed to increase the level of nonconformity with regard to setbacks or lot coverage.

4. Abandonment. In the event that any structure described in Subsection 1 is abandoned for a period of 12 consecutive months or more, such structure shall not be resettled and/or restored unless it shall thereafter conform to the regulations for the zoning district in which it is located, provided that structures located on a lot that does not comply with the applicable lot size requirements in this section shall not have a side yard of less than five feet.

5. Moving. No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
165A.27 NONCONFORMING USES.

1. Nonconforming Uses of Land. Where at the effective date of adoption or amendment of this Zoning Code, lawful use of land exists that is made no longer permissible under the terms of this Zoning Code, as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment or this Zoning Code.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Zoning Code.

C. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.

2. Nonconforming Uses of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Code, which use would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use, provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Zoning Code.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

F. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

165A.28 REPAIRS AND MAINTENANCE.

1. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage of amendment of this Zoning Code shall not be increased.

2. Nothing in this Zoning Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

165A.29 USES UNDER CONDITIONAL USE PERMIT NOT NONCONFORMING USES.

Any use for which a special exception has been issued as provided in previous ordinances shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

165A.30 TEMPORARY USES AND PERMITS.
1. The Administrator shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots thereon. The permits shall not exceed 180 days unless otherwise stated:

   A. Model homes or apartments, if contained within the development to which they pertain.
   B. Development sales offices. Such offices may remain in place until 90 percent of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
   C. Public assemblies, displays, and exhibits.
   D. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a BG or more intensive zoning district.
   E. Outdoor art shows and exhibits.
   F. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
   G. Construction site offices, if located on the construction site itself.
   H. Outdoor special sales, provided that such sales operate no more than three days in the same week and 10 days in the same month; and are located in commercial or industrial zoning districts.
   I. Construction or asphalt batch plants, provided that:
      (1) No plant may be located within 600 feet of a developed residential use, park, or school.
      (2) The facility is located no more than one mile from its job site. The Planning and Zoning Commission may extend this distance to two miles if such extension avoids use of local streets by plant-related vehicles.
      (3) Hours of operation do not exceed 12 hours per day.
      (4) The duration of the plant's operation does not exceed 180 days, but may be extended by the Planning and Zoning Commission.

2. Required Conditions of All Temporary Uses.
   A. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
   B. The Planning and Zoning Commission may establish other conditions which the Commission deems necessary to ensure compatibility with surrounding land uses.

3. Permit Application and Issuance.
   A. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
   B. The Zoning Administrator may authorize a temporary use only if such official determines that:
      (1) The use will not impair the normal operation of a present or future permanent use on the site.
      (2) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
   C. The duration of the permit shall be explicitly stated on the permit.

165A.31 EASEMENTS.
No structure or vegetation except for grasses shall be constructed or planted within the limits of any easement.

165A.32 INTERNATIONAL FIRE CODE.
All new residential structures constructed with more than one living unit shall comply with the requirements for fire separation as indicated in the most current issue of the International Fire Code or any subsequent code. This provision does not include detached single-family dwellings.
165A.33 CERTIFICATE OF OCCUPANCY.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of adopted codes or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of the adopted codes or other ordinances of the jurisdiction shall not be valid.

165A.34 PROHIBITED USES.

All uses which are not specifically permitted or are not permissible as a conditional use throughout each district of this Zoning Code are prohibited until such time as the Zoning Code is amended accordingly.

165A.35 FEES.

The payment of any and all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted and published by the City Council by separate resolution.

165A.36 EFFECTIVE DATE.

This Zoning Code shall take effect and be in force from and after its passage and publication according to law.

**CHAPTER 165B
ZONING CODE – ZONING DISTRICTS**

165B.01 Districts
165B.02 Provision for Official Zoning Map
165B.03 Districts; Use
165B.04 Districts; Boundaries and Official Zoning Map
165B.05 Rules for Interpretation of District Boundaries
165B.06 Land Use Categories Matrix Explanation
165B.07 Site Plan Review
165B.08 Annexation and Conformance with Land Use Plan
165B.09 Land Use Categories Matrix
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165B.24 MLG: Industrial District
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165B.26 AP: Airport Overlay District

165B.01 DISTRICTS.

In order to regulate and restrict the height, location, size, and type of buildings, structures, and uses allowed on land in the City, the City is hereby divided into districts in accordance with the Comprehensive Plan.

165B.02 PROVISION FOR OFFICIAL ZONING MAP.

The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Code. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Section 165B.02 of the Zoning Code of the City of Sergeant Bluff, Iowa,” together with the date of the adoption of this Zoning Code. If, in accordance with the provisions of this Zoning Code, changes are made in the district
boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

2. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted by Ordinance No. _______ of the City of Sergeant Bluff Iowa.” Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

165B.03 DISTRICTS; USE.

For the purpose of this Zoning Code, the City is hereby divided into 17 districts, designated as follows:

(AR) Agricultural-Residential District
(RS150) Single-Family Residential District
(RS80) Single-Family Residential District
(RG60) General Residential District
(RG20) General Residential District
(MF-1) Multi-Family Residential District
(M) Mobile Home Residential District
(BG) General Business District
(BGC) Central Business District
(BN) Neighborhood Business District
(HSB) Highway Service Business District
(BGH) Heavy General Business District
(ML) Light Manufacturing District
(MH) Heavy Manufacturing District
(MLG) Manufacturing Light Green District
(AP) Airport Overlay District
(PD) Planned Unit Development District

165B.04 DISTRICTS; BOUNDARIES AND OFFICIAL ZONING MAP.

The boundaries of the districts are hereby established as shown on the map entitled “Official Zoning Map of the City of Sergeant Bluff, Iowa.” Said maps and all explanatory matter thereon accompany and are hereby made a part of this Zoning Code as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor, and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Zoning Code. Such changes shall be promptly indicated on the Zoning District Map with the ordinance number, nature of change, and date of change noted on the map.

(See EDITOR’S NOTE at the end of this chapter for ordinances amending the zoning map.)

165B.05 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line.

6. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

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

8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections to 7 above, the Board of Zoning Adjustment shall interpret the district boundaries.

9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Zoning Code, the Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot, not to exceed 50 feet beyond the district line into the remaining portion of the lot.

10. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.

11. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

165B.06 LAND USE CATEGORIES MATRIX EXPLANATION.

The Matrix found in Section 165B.09 of this chapter is a listing of uses that may be allowed within the variety of Zoning Districts. The different uses are grouped into specific Land Use Categories. The Land Use Categories are listed in each of the Zoning Districts in lieu of specific uses. It is important to note, if a Land Use Category is listed within a specific Zoning District, it DOES NOT indicate every use in the Land Use Category is allowed within the specific District. The different uses within Section 165B.09 are: permitted (P), allowed upon approval of a conditional use permit (C), temporary (T), or not permitted (-). In order to determine if a specific use is allowed in a Zoning District, the following steps need to be followed:

1. Find the use type that matches your application.
2. Look across the table and determine which of the Zoning Districts it may be allowed.
3. Determine any special criteria for the uses by referring to the specific district.
4. Determine where the specific zoning districts are by reviewing the Official Zoning Map.
5. Determine the necessary procedures to receive required permits after the land or property is the control of the applicant.
6. When in doubt, please confer with planning staff.

The Table in Section 165B.09 also lists accessory uses that may be allowed or not allowed in any specific Zoning District. The accessory use listing can be found at the end of the Table. Additional requirements for specific uses are given in numbered footnotes below the Table.

165B.07 SITE PLAN REVIEW.

Some uses may be required to meet the requirements of Sections 165E.07 through 165E.10 of this Zoning Code. Some of these uses include but are not limited to:
1. Multiple family developments with four or more dwelling units.
2. Any proposed mixed use development plans.
3. Education facilities.
4. Automotive washing.
5. Automotive sales.
6. Any use including drive-in services.
7. Any construction of commercial, office, or civic structures over 10,000 square feet in building area.
8. Any industrial use.
9. Any commercial/office development proposed near any intersection with streets considered a collector and/or arterial.
10. Any development within an Urban Renewal Area (TIF District).
11. Any other sites/developments deemed necessary by City staff at the time of application.
12. Planned Developments as prescribed in Section 165B.25 of this Zoning Code.
13. Assembly buildings and halls.

**165B.08 ANNEXATION AND CONFORMANCE WITH LAND USE PLAN.**

Areas annexed into the corporate limits of the City shall be zoned to conform to the Future Land Use Plan.

**165B.09 LAND USE CATEGORIES MATRIX**

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<th>R G 60</th>
<th>R G 20</th>
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<td>Community gardens</td>
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Use Category: Agricultural Sales and Service

| Agriculture chemicals, fertilizer, anhydrous ammonia storage and distribution for commercial use | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Agricultural implement and vehicle sales/service | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Agricultural processing                   | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Agriculture feed mixing and blending, seed sales and grain handling operations | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |

Use Category: Residential Living

<p>| Multi-family dwelling (maximum of 4 units per structure) | - | - | P | P | P | - | - | - | - | - | - | - | - | - | - | - |
| Multi-family dwelling (5 to 8 units per structure)    | - | - | C | C | P | - | - | - | - | - | - | - | - | - | - | - |
| Multi-family dwelling (9 to 12 units per structure)   | - | - | - | C | P | - | - | - | - | - | - | - | - | - | - | - |
| Multi-family dwelling (12 to 24 units per structure)  | - | - | - | C | P | - | - | - | - | - | - | - | - | - | - | - |
| Condominiums (up to 2 units per structure)            | - | - | C | C | P | - | - | - | - | - | - | - | - | - | - | - |
| Condominiums (3 to 4 units per structure)             | - | - | C | C | P | - | - | - | - | - | - | - | - | - | - | - |
| Condominiums (5 to 8 units per structure)             | - | - | C | C | P | - | - | - | - | - | - | - | - | - | - | - |
| Condominiums 9 to 12 units per structure             | - | - | - | - | - | P | - | - | - | - | - | - | - | - | - | - |
| Mobile home dwelling (2)                            | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Mobile home dwelling as a secondary dwelling or workers’ quarters (2) | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Seasonal dwelling or cabins                        | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |</p>
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### Land Use Categories and Zoning Matrix, Part 2

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Land Use Categories and Zoning Matrix, Part 3

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### Use Category: Special Commercial

| Use Category | A | R | S1 | S8 | G | G | F-1 | M | B | B | C | B | G | G | H | S | B | B | H | M | M | M | L | G |
| Billiard halls | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Boat dealers | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Building materials dealers | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Business center | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Concrete and cinder block sales | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Convenience store | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Drive-in theater | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

### Use Category: Special Commercial (continued)

<p>| Use Category | A | R | S1 | S8 | G | G | F-1 | M | B | B | C | B | G | G | H | S | B | B | H | M | M | M | L | G |
| Fencing dealers | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Gasoline filling stations, including self-service | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Liquor stores/sales | - | - | - | - | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Monument sales | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Motels and hotels | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Nurseries, retail sales | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Parking area, stand-alone, private or public | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Pet shop | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Piercing studio | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Swimming pool sales | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |</p>
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<td>Health clubs and spas, including YMCAs and YWCAs</td>
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<td>Recreational vehicle camping (9)</td>
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<td>Riding academies</td>
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<td>Roller and ice skating rink</td>
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Land Use Categories and Zoning Matrix, Part 5
### Outdoor Storage
- Outdoor storage containers (15)
- Storage facilities similar to portable on-demand storage containers (15)
- Warehouse and distribution
- Warehousing (enclosed)
- Warehousing (open)
- Wholesale business and storage

### Use Category: Contractors, Contractor Yards, Storage and Supply
- Building materials sales or storage yards (excluding asphalt or concrete mixing)
- Bulk materials or machinery storage (fully enclosed)
- Carpenters
- Carpet and rug cleaning plants
- Construction batch plants
- Construction yards, including offices and equipment storage yards, excluding heavy machinery
- Electricians
- Heating and ventilating contractors
- Masons and bricklayers
- Plumbers
- Trade shops (including cabinet makers)

### USE TYPE

<table>
<thead>
<tr>
<th>Use Category: Large Contracting/Materials Manufacturing</th>
<th>A R</th>
<th>R S1 50</th>
<th>R S8 0</th>
<th>R G 60</th>
<th>R G 20</th>
<th>M F- 1</th>
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<td>Asphalt contractors</td>
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<td>Batch plants for asphalt or concrete (16)</td>
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<td>Concrete batch plants, permanent</td>
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<td>Highway and street construction company</td>
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<td>Prefabricated building and components manufacturing</td>
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</table>

### Use Category: Food Processing and Manufacturing
- Bakery products manufacturing
- Beverage blending and bottling (except breweries)
- Coffee, tea and spice processing and packaging and roasting
- Creamery and dairy operations
- Dairy products manufacturing
- Egg processing plants
- Flour, feed and grain grinding and milling
- Fruit and vegetable processing, canning, preserving, drying and freezing
- Ice manufacturing (including dry ice)

### Use Category: Mining and Excavation
- Brick, firebrick and clay products manufacturing
- Monument and architectural stone manufacturing
- Clay extraction

### Use Category: Metal Processing, Stamping
- Culvert manufacturing
- Fabricated metal products
- Welding
- Wire rope and cable manufacturing

### Use Category: Products Manufacturing
- Ammunition manufacturing
- Basket and hamper (wood, reed, rattan, etc.) manufacturing
- Millwork manufacturing
- Electronics manufacturing

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12/10/2019 CHAPTER 165A ZONING CODE - GENERAL PROVISIONS xx

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### Land Use Categories and Zoning Matrix, Part 7

| USE TYPE | AR | R | S1 | S8 | G50 | G60 | G20 | M-1 | M | B | B | G | B | H | B | G | B | H | M | M | M | L | G |
|----------|----|----|----|----|-----|-----|-----|-----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Machinery manufacturing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | C |
| Firearms manufacturing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | C | C |
| Musical Instruments manufacturing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P |
| Pharmaceuticals manufacturing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P |
| Printing and publishing plants | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P |
| Tool, die, gauge and machine shops | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | P | P | P |
| Wind turbine manufacturing | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

**Use Category: General Manufacturing (High Hazard)**

| USE TYPE | AR | R | S1 | S8 | G50 | G60 | G20 | M-1 | M | B | B | G | B | H | B | G | B | H | M | M | M | L | G |
|----------|----|----|----|----|-----|-----|-----|-----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Automobile wrecking yard (17) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Bio-fuels manufacturing, including ethanol production (18) | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C | - |
| Grain elevator and storage facilities | C | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Oils, shortenings, and fats (edible) processing and storage | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Oils, vegetables, and animal (non-edible) processing and storage | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Petroleum, gasoline, or lubricating oil refining and wholesale storage | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Salvage operations (17) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Scrap or salvage yards (17) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Waste recovery facilities, commercial, industrial and residential | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Wood preserving treatment | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |

**Use Category: Accessory Uses**

| USE TYPE | AR | R | S1 | S8 | G50 | G60 | G20 | M-1 | M | B | B | G | B | H | B | G | B | H | M | M | M | L | G |
|----------|----|----|----|----|-----|-----|-----|-----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Barns | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Bins, grain storage | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Decks, gazebos, patios (elevated or on-grade) (19) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | C | - |
| Freestanding canopy (19) | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Fuel storage | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Fuel tanks and dispensing equipment | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Home based occupation/business for limited gun and ammunition sales (20) | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Portable on-demand storage containers | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T | C | C |
| Silos | P | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Solar energy systems for use on individual properties or building (22) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | C |
| Storage building using multiple storage containers | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | C |
| Wireless telecommunication systems (21) | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |

**Footnotes to Land Use Categories and Zoning Matrix - Additional Requirements**

1. See additional restrictions in Chapter 55 of this Code of Ordinances.
2. See additional restrictions in Chapter 146 of this Code of Ordinances.
3. See Section 165D.14(3).
4. See Section 165D.03.
5. See Sections 165E.07 through 165E.10 of this Zoning Code.
6. See the Code of Ordinances for additional restrictions.
165B.10 AR: AGRICULTURAL RESIDENTIAL DISTRICT.

1. Intent. The Agricultural Residential District provides an environment where agriculture can operate compatibly with suburban residences.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, temporary use, and exempt uses or not permitted. Refer to Section 165B.09 to determine the level allowed.

A. Agriculture and horticulture uses
B. Agricultural sales and service
C. Residential living
D. Residential/commercial institutions
E. Community services/civic uses
F. Treatment, rehabilitation and incarceration facilities
G. Day-care, public and private schools
H. Public parks and open space
I. Public and private utilities
J. Animal care
K. Business and household services
L. Food and beverage services
M. General commercial
N. Special commercial
O. Recreational commercial
3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the AR District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Maximum Building Coverage</th>
<th>Maximum Impervious Coverage</th>
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</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>5 acres</td>
<td>150 feet</td>
<td>120 feet</td>
<td>35 feet</td>
<td>60 feet</td>
<td>35 feet</td>
<td>10 percent</td>
<td>20 percent</td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>5 acres</td>
<td>150 feet</td>
<td>120 feet</td>
<td>35 feet</td>
<td>60 feet</td>
<td>35 feet</td>
<td>10 percent</td>
<td>20 percent</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>5 acres</td>
<td>150 feet</td>
<td>120 feet</td>
<td>35 feet</td>
<td>50 feet</td>
<td>35 feet</td>
<td>10 percent</td>
<td>20 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>-</td>
<td></td>
<td>120 feet</td>
<td>5 feet</td>
<td>5 feet</td>
<td>35 feet</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

8. Special Provisions for Feed Lots, Corrals, and Kennels. The following performance standards shall apply to the uses indicated. They shall be supplemental to and in addition to other provisions applying to the property:

A. Feed lots, corrals, winter quarters. Feed lots or corrals in which animals are kept at a density of over 10 head per acre or where feed bunkers or water are placed so animals naturally tend to bunch up, shall not be closer than 300 feet from any property line adjoining properties used for residential, commercial or light manufacturing purposes.

B. Such feed lots, or corrals, shall maintain drainage so as to avoid excessive concentration of contaminated water and such drainage shall be arranged so contaminated water does not drain into watercourses in such a manner that it reaches neighboring properties at a concentration noticeable to normal senses.

C. Manure in such feed lots or corrals shall not be allowed to accumulate to objectionable proportions and each feeding pen shall be scraped at least once a month, weather permitting.

D. Adequate fly spray shall be applied to all of the feeding area during fly season and oftener if necessary to control the fly population.

E. All dead animals shall be removed within 24-hours.

F. Feed shall be limited to fresh materials and shall not include sour silage, sugar beet pulp, paunch manure, garbage, or other materials which may have a tendency to create objectionable odors.

G. Kennels containing more than three dogs over six months of age, and poultry houses shall not be placed any closer than 200 feet from the lot line when adjoining property used for residential, motel, hotel, or cabin resort purposes.

H. Parking and loading spaces sufficient to meet all reasonable demands for such space shall be provided off the public right-of-way.

165B.11 RS150: SINGLE-FAMILY RESIDENTIAL DISTRICT.

1. Intent. This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwelling on lots with a minimum of 15,000 square feet of area.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and
temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

A. Agriculture and horticulture uses
B. Cultural services
C. Residential living
D. Residential/commercial institutions
E. Community services/civic uses
F. Treatment, rehabilitation and incarceration facilities
G. Day-care, public and private schools
H. Public parks and open space
I. Public and private utilities

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the RS150 District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and Sections within 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Street Side Yard</th>
<th>Maximum Height</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>15,000 sq. ft.</td>
<td>100 feet</td>
<td>40 feet</td>
<td>35 feet</td>
<td>10 feet*</td>
<td>20 feet</td>
<td>30 feet</td>
<td>25 percent</td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>2 acres</td>
<td>100 feet</td>
<td>40 feet</td>
<td>35 feet</td>
<td>10 feet*</td>
<td>20 feet</td>
<td>30 feet</td>
<td>25 percent</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>2 acres</td>
<td>100 feet</td>
<td>40 feet</td>
<td>35 feet</td>
<td>10 feet*</td>
<td>20 feet</td>
<td>30 feet</td>
<td>25 percent</td>
</tr>
<tr>
<td>Zero lot line residential</td>
<td>7,500 sq. ft. per unit</td>
<td>37.5 feet per unit</td>
<td>30 feet</td>
<td>25 feet</td>
<td>7.5 feet*</td>
<td>15 feet</td>
<td>30 feet</td>
<td>25 percent</td>
</tr>
<tr>
<td>Religious and cultural uses</td>
<td>2 acres</td>
<td>100 feet</td>
<td>40 feet</td>
<td>35 feet</td>
<td>10 feet</td>
<td>20 feet</td>
<td>35 feet</td>
<td>25 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>40 feet</td>
<td>2 feet</td>
<td>2 feet</td>
<td>20 feet</td>
<td>15 feet</td>
<td>--</td>
</tr>
</tbody>
</table>

*Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.

(Ord. 683 – Sep. 19 Supp)

8. Special Requirements. For townhouses, condominiums and duplexes only, the following apply to all new construction of these residential types.

A. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
B. Each unit shall be serviced by separate facilities.
C. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
D. No more than two units shall be connected in this district.

165B.12 RS80: SINGLE-FAMILY RESIDENTIAL DISTRICT.

1. Intent. This district is intended to provide for single-family residential on lots of moderate size.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.
A. Cultural services
B. Residential living
C. Residential/commercial institutions
D. Community services/civic uses
E. Treatment, rehabilitation and incarceration facilities
F. Day-care, public and private schools
G. Public parks and open space
H. Public and private utilities

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the RS80 District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and Sections within Chapter 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Street Side Yard</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached</td>
<td>8,000 sq. ft.</td>
<td>65 feet</td>
<td>30 feet</td>
<td>25 feet</td>
<td>7.5 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>40 percent</td>
</tr>
<tr>
<td>Single-family attached (2 units only)</td>
<td>4,000 sq. ft. per unit</td>
<td>37.5 feet per unit</td>
<td>30 feet</td>
<td>25 feet</td>
<td>7.5 feet*</td>
<td>30 feet</td>
<td>15 feet</td>
<td>40 percent</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>8,000 sq. ft.</td>
<td>65 feet</td>
<td>30 feet</td>
<td>25 feet</td>
<td>7.5 feet*</td>
<td>30 feet</td>
<td>15 feet</td>
<td>40 percent</td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>8,000 sq. ft.</td>
<td>65 feet</td>
<td>30 feet</td>
<td>25 feet</td>
<td>7.5 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>40 percent</td>
</tr>
<tr>
<td>Other conditional uses</td>
<td>8,000 sq. ft.</td>
<td>65 feet</td>
<td>30 feet</td>
<td>25 feet</td>
<td>7.5 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>40 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>30 feet</td>
<td>2 feet</td>
<td>2 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>--</td>
</tr>
</tbody>
</table>

*Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.

8. Special Requirements. For townhouses, condominiums and duplexes only, the following apply to all new construction of these residential types.

A. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
B. Each unit shall be serviced by separate facilities.
C. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
D. No more than two units shall be connected in this district.

165B.13 RG60: GENERAL RESIDENTIAL DISTRICT.

1. Intent. This district is intended to provide dwellings containing up to four units on moderate sized lots.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.
A. Cultural services
B. Residential living
C. Residential/commercial institutions
D. Community services/civic uses
E. Treatment, rehabilitation and incarceration facilities
F. Day-care, public and private schools
G. Public parks and open space
H. Public and private utilities

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the RG60 District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Street Side Yard</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family</td>
<td>6,000 sq. ft.</td>
<td>50 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Single-family attached/townhouse (2 units only) (zero lot line)</td>
<td>3,000 sq. ft.</td>
<td>25 feet per unit</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet*</td>
<td>30 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Two-family dwelling/duplex</td>
<td>6,000 sq. ft.</td>
<td>50 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Condominium (more than 2 units) (zero lot line)</td>
<td>3,000 sq. ft.</td>
<td>37.5 feet per unit</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet*</td>
<td>30 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Single-family attached/townhouse (more than 2 units)</td>
<td>3,000 sq. ft.</td>
<td>25 feet per unit**</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet*</td>
<td>30 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Multi-family dwelling</td>
<td>4,500 sq. ft.</td>
<td>50 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>6,000 sq. ft.</td>
<td>50 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Other conditional uses</td>
<td>6,000 sq. ft.</td>
<td>50 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

*Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.
**The minimum lot area is 2,000 square feet per unit for interior units and the end units shall have a minimum of 4,000 square feet. The minimum lot width for interior lots is 25 feet and the minimum lot width for the end units is 37.5 feet.

8. Special Requirements. For townhouses, condominiums and duplexes only, the following apply to all new construction of these residential types.

A. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
B. Each unit shall be serviced by separate facilities.
C. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
D. No more than four units shall be connected in this district.

9. Residential buildings are limited to a maximum of four units.
165B.14 RG20: GENERAL RESIDENTIAL DISTRICT.

1. Intent. This district is intended to provide for multiple dwellings and compatible office buildings.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

   A. Cultural services
   B. Residential living
   C. Residential/commercial institutions
   D. Community services/civic uses
   E. Treatment, rehabilitation and incarceration facilities
   F. Day-care, public and private schools
   G. Public parks and open space
   H. Public and private utilities

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the RG20 District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Street Side Yard</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached</td>
<td>5,000 sq. ft.</td>
<td>40 feet</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Single-family attached (2 units only) (zero lot line)</td>
<td>2,500 sq. ft.</td>
<td>25 feet per unit</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet*</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>5,000 sq. ft.</td>
<td>40 feet</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Condominium (more than 2 units) (zero lot line)</td>
<td>2,500 sq. ft.</td>
<td>25 feet per unit</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet*</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Townhouse (more than 2 units) (zero lot line)</td>
<td>2,500 sq. ft.</td>
<td>25 feet per unit</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet*</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Multi-family dwelling</td>
<td>2,500 sq. ft.</td>
<td>40 feet</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>2,000 sq. ft.</td>
<td>40 feet</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Other conditional uses</td>
<td>2,000 sq. ft.</td>
<td>40 feet</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>25 feet</td>
<td>2 feet</td>
<td>5 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>--</td>
</tr>
</tbody>
</table>

*Common wall shall have a zero lot line setback and shall be located on the property line separating both dwellings.
**The minimum lot area is 2,000 square feet per unit for interior units and the end units shall have a minimum of 4,000 square feet.

8. Special Requirements. For townhouses, condominiums and duplexes only, the following apply to all new construction of these residential types.

   A. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
   B. Each unit shall be serviced by separate facilities.
C. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.

D. No more than four units shall be connected in this district.

**165B.15 MF-1 MULTI-FAMILY RESIDENTIAL DISTRICT.**

1. **Intent.** This district is intended to provide for densely developed residential developments. In some cases, support services such as convenient stores and businesses providing personal services to nearby residents may be appropriate.

2. **Permitted Uses.** Permitted uses are allowed outright provided the uses and/or structures meet the minimum requirements of the district. See Subsection 7 of this section for specific site review requirements.

3. **Conditional Uses.** The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the MF-1 District as heard and approved by the Board of Adjustment.

4. **Temporary Uses.** Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

5. **Accessory Uses and Structures.** Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

6. **Height and Lot Requirements.** The height and minimum lot requirements shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Street Side Yard</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>5,000 sq. ft</td>
<td>40 feet</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Single-family attached</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 units only</td>
<td>--</td>
<td>25 feet per unit</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet*</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>more than 2 units</td>
<td>--</td>
<td>25 feet per unit***</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet*</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>5,000 sq. ft</td>
<td>40 feet</td>
<td>15 feet</td>
<td>10 feet</td>
<td>5 feet</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Multi-family dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(apartments)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>up to 4 units per structure</td>
<td>--</td>
<td>25 feet</td>
<td>15 feet</td>
<td>10 feet*</td>
<td>10 feet**</td>
<td>45 feet</td>
<td>15 feet</td>
<td>75 percent</td>
</tr>
<tr>
<td>5 to 8 units per structure</td>
<td>--</td>
<td>25 feet</td>
<td>15 feet</td>
<td>10 feet**</td>
<td>10 feet**</td>
<td>45 feet</td>
<td>15 feet</td>
<td>75 percent</td>
</tr>
<tr>
<td>9 to 12 units per structure</td>
<td>--</td>
<td>50 feet</td>
<td>25 feet</td>
<td>10 feet**</td>
<td>10 feet**</td>
<td>45 feet</td>
<td>25 feet</td>
<td>75 percent</td>
</tr>
<tr>
<td>13 to 24 units per structure</td>
<td>--</td>
<td>50 feet</td>
<td>25 feet</td>
<td>10 feet**</td>
<td>10 feet**</td>
<td>45 feet</td>
<td>25 feet</td>
<td>75 percent</td>
</tr>
<tr>
<td>Condominiums</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 units only</td>
<td>--</td>
<td>25 feet per unit</td>
<td>15 feet</td>
<td>15 feet</td>
<td>10 feet**</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>3 or 4 units</td>
<td>--</td>
<td>25 feet per unit</td>
<td>15 feet</td>
<td>15 feet</td>
<td>10 feet**</td>
<td>45 feet</td>
<td>15 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>5 to 8 units</td>
<td>--</td>
<td>50 feet</td>
<td>25 feet</td>
<td>15 feet</td>
<td>10 feet**</td>
<td>45 feet</td>
<td>25 feet</td>
<td>75 percent</td>
</tr>
<tr>
<td>9 to 24 units</td>
<td>--</td>
<td>50 feet</td>
<td>25 feet</td>
<td>15 feet</td>
<td>10 feet**</td>
<td>45 feet</td>
<td>25 feet</td>
<td>75 percent</td>
</tr>
<tr>
<td>Other permitted or conditional uses</td>
<td>10,000 sq. ft</td>
<td>100 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>15 feet</td>
<td>45 feet</td>
<td>25 feet</td>
<td>75 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>5 feet</td>
<td>5 feet</td>
<td>18 feet</td>
<td>***</td>
<td>***</td>
<td>***</td>
<td></td>
</tr>
</tbody>
</table>

*Common wall shall have a zero lot line setback and shall be located on the property line separating individual dwelling units.
**When a structure exceeds two stories the setback shall be increased by an additional 1 foot for every 2 feet of height above 35 feet.
***The front yard setback and street side yard setbacks shall match the setbacks for the principal structure.

7. **Special Development Requirements.**

A. **Development Concepts and Standards.**

(1) Prior to the development of any multi-family residential development with more than four dwelling units commences, the developer or developer's representative shall be required to go through a development review process with the appointed Development Review Committee.
(2) The development review process shall include the following steps:

a. Present and discuss the basic concept with City staff and the Development Review Committee to identify any possible concerns/issues and worked through these prior to preparing costly engineering drawings.

b. Upon completion of the initial meeting, the proper concepts shall be put into a Master Plan identifying:

   - Location, size, height, and use of all proposed structures and proposed yards on each lot
   - Proposed building elevations
   - All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas
   - All streets adjoining subject property with the width of the rights-of-way
   - Landscaping
   - Location of all proposed screening
   - Location of all existing natural features such as ponds, tree clusters, and rock outcroppings
   - Lighting
   - Phasing of the project
   - Parks
   - Common areas
   - Accessory structures including garages
   - Detention/retention cells
   - Utility extensions

   Contours at intervals of two feet or spot elevations on a 100-foot grid shall be required on flat lands

(3) Once the Master Plan has been reviewed and approved by the Development Review Committee, any unplatted property or replats will need to follow the prescribed procedures in the Subdivision Regulations.

(4) Design criteria for developments in the MF-1 District. Structures containing more than four units shall comply to the following guidelines:

a. All structures shall be similar in design, character, and color and material palettes.

b. Color palette shall be similar to the nearby neighborhoods unless specific design schematics are approved by the Development Review Committee.

c. Decorative masonry materials shall be utilized on a minimum of 10 percent of the façades on structures.

d. Creativity is encouraged; therefore, other types of materials and colors may be approved by the Development Review Committee.

B. Single-Family, Attached (Townhouses) and Duplexes. The following apply to all new construction of these residential types.

(1) Each unit is separated by a fire rated wall from the lowest level and continuing through the roof structure.

(2) Roof and subsequent structure shall be of two-hour rated materials a minimum of four feet on either side of a fire wall.

(3) Each unit shall be serviced by separate utilities.

(4) When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
(5) Each unit shall have a separate driveway area for parking and each unit shall meet the parking criteria in Section 165C.15 of this Zoning Code.

C. Condominiums. The following apply to all new construction of these residential types.

(1) Each unit shall be fire separated as per local codes.
(2) Each unit shall be serviced by separate utilities.
(3) All common areas shall be fire separated from other areas as required by local building codes.
(4) Landscaping: 90 percent of all required yard setbacks and buffer yards.
(5) Parking lot landscaping: one tree per 18 parking spaces.
(6) Fencing requirements in this section supersede Section 165D.04 and require the following.
(7) Up to four feet in height allowed in front yard.
(8) Up to eight feet in other yards.
(9) Fences may be required with buffer yards or outdoor screening.
(10) Condominiums with two or more stories shall have a minimum 15 foot buffer yard between the structures and any other residential district; this is beyond the setback on any given required yard.

D. Multi-Family Dwellings (Apartments). The following apply to all new construction of these residential types.

(1) Each unit shall contain fire separation as required by local codes.
(2) Each structure shall be serviced by separate utilities unless the building is designed to function similar to single-family dwelling, attached (townhouse) then each unit shall be separately served.
(3) All common areas shall be fire separated as required by local codes.
(4) Landscaping: 90 percent of all required yard setbacks and buffer yards.
(5) Parking lot landscaping: one tree per 18 parking spaces
(6) Fencing requirements in this section supersede Section 165D.04 and require the following:
   a. Up to four feet in height allowed in front yard.
   b. Up to eight feet in other yards.
   c. Fences may be required with buffer yards or outdoor screening.
(7) Multi-family dwellings with two or more stories shall have a minimum 30 foot buffer yard between the structures and any other residential district; this is beyond the setback on any given required yard.

E. Other Permitted or Conditional Uses (Neighborhood Commercial). The following apply to all new construction of these residential types.

(1) Said uses shall be located only at intersections of collector and arterial streets.
(2) Said uses shall supply goods and services to the general vicinity.
(3) All new commercial facades/designs shall complement the building materials of the residential uses in close proximity.
(4) Commercial uses shall have a minimum 30 foot buffer yard between the structures and any other residential district; this is beyond the setback on any given required yard.
(5) Parking requirements shall meet the standards found in Sections 165C.13 through 165C.18 of this Zoning Code.
(6) Landscaping: 90 percent of all required yard setbacks and buffer yards.
(7) Parking lot landscaping: one tree per six parking spaces.
(8) All accessory uses, especially garbage areas may be required to be screened with materials similar to those used in the construction of the principal use.

165B.16 M: MOBILE HOME RESIDENTIAL DISTRICT.

1. Intent. This district recognizes that mobile home and tiny home/house development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home and tiny home/house development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

(Ord. 682 – Sep. 19 Supp)

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

A. Cultural services
B. Residential living
C. Residential/commercial institutions
D. Community services/civic uses
E. Treatment, rehabilitation and incarceration facilities
F. Day-care, public and private schools
G. Public parks and open space
H. Public and private utilities

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the M District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

7. Special Design Criteria for this District.

A. A mobile home development shall have a lot area of not less than two acres. No mobile homes, tiny home/house, or other structures shall be located less than 65 feet from the road centerline when contiguous to or having frontage to a County Road or 25 feet when contiguous from a State Highway. The setback on all other court property lines shall be 10 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.

(Ord. 682 – Sep. 19 Supp)

B. Each lot provided for occupancy of a single mobile home or tiny home/house dwelling shall have an area of not less than 4,000 square feet, excluding road right-of-way, and a width of not less than 40 feet. Each individual lot shall have:

(1) Side yard setback shall not be less than five feet, except that on corner lots, the setback for all buildings shall be a minimum of 25 feet on the side abutting a street/road.
(2) Front yard setback shall not be less than 25 feet.
(3) Rear yard of not less than 25 feet.

(Ord. 682 – Sep. 19 Supp)
C. There shall be a minimum livable floor area of 640 square feet in each mobile home. A tiny home/house shall be no bigger than 400 square feet.

(Ord. 682 – Sep. 19 Supp)

D. Height of buildings shall be:
   (1) Maximum height for principal uses shall be 30 feet.
   (2) Maximum height for accessory uses shall be 10 feet.

E. Each lot shall have access to a hard surfaced drive not less than 24 feet in width, excluding parking.

F. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards for the City. The water supply shall be sufficient for domestic use and for fire protection.

G. Service buildings including adequate laundry and drying facilities.

H. Storm shelters shall be required and shall meet the following criteria:
   (1) Shelter space equivalent to two persons per mobile home lot.
   (2) Designed in conformance with National Performance Criteria for Tornado Shelters by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA.
   (3) Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

I. All trailer pad locations shall be hard surfaced with properly reinforced poured in place concrete.

J. Not less than 10 percent of the total court area shall be designated and used for park, playground and recreational purposes.

K. Each mobile home dwelling or tiny home/house shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.

(Ord. 682 – Sep. 19 Supp)

8. Special Requirements. All lots must be platted in accordance with the Subdivision Regulations of the City and shall also contain the following information:

A. A complete plan of the mobile home and tiny home/house development shall be submitted showing:

(Ord. 682 – Sep. 19 Supp)

   (1) A development plan and grading plan of the court.
   (2) The area and dimensions of the tract of land.
   (3) The number, location, and size of all mobile home and tiny home/house spaces.

(Ord. 682 – Sep. 19 Supp)

   (4) The area and dimensions of the park, playground and recreation areas.
   (5) The location and width of roadways and walkways.
   (6) The location of service buildings and any other proposed structures.
   (7) The location of water and sewer lines and sewage disposal facilities.

B. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

165B.17 BG: GENERAL BUSINESS DISTRICT.

1. Intent. This district is designed to provide for a wide range of retail and service establishments.
2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

A. Cultural services
B. Community services/civic uses
C. Day-care, public and private schools
D. Public parks and open space
E. Public and private utilities
F. Animal care
G. Business and household services
H. Financial services
I. Food and beverage services
J. Retail services
K. Special commercial
L. Medical offices
M. General office uses
N. Recreational commercial

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the BG District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows unless otherwise noted:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>10 feet</td>
<td>*</td>
<td>45 feet</td>
<td>90 percent</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>10 feet</td>
<td>*</td>
<td>45 feet</td>
<td>90 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>5 feet</td>
<td>*</td>
<td>20 feet</td>
<td></td>
</tr>
</tbody>
</table>

*The side yard setback is five feet when abutting any district requiring a side yard.

8. Use Limitations.

A. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.

B. When adjacent to any residential district, new construction shall provide permanent screen with a height of 80 inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 165D.04.

C. No outdoor storage shall be permitted unless other provisions of this Code of Ordinances allow for this condition.
D. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

E. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.

F. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obsuring fence permanently maintained at least six feet in height.

G. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

H. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with pavement, except in those portions of the lot maintained as landscape area.

I. Off-street parking and loading shall be provided for all uses established in this district.

J. No display of merchandise shall be allowed on public rights-of-way.

K. Any firearm and ammunition sales shall require a permit for the Bureau of Alcohol, Tobacco, and Firearms, or its successor agency.

165B.18 BGC: CENTRAL GENERAL BUSINESS DISTRICT.

1. Intent. This district is intended to provide a general business district which will take into account the special characteristics of the Central Business District of the City.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

A. Cultural services
B. Community services/civic uses
C. Day-care, public and private schools
D. Public parks and open space
E. Public and private utilities
F. Animal care
G. Business and household services
H. Financial services
I. Food and beverage services
J. Retail services
K. Special commercial
L. Medical offices
M. General office uses
N. Recreational commercial

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the BGC District as heard and approved by the Board of Adjustment.
5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows unless otherwise noted:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>35 feet</td>
<td>100 percent</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>35 feet</td>
<td>100 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>20 feet</td>
<td>--</td>
</tr>
</tbody>
</table>

*The maximum height of any use shall be decreased to 35 feet when located within 100 feet of any residential district.

8. Use Limitations.

A. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.

B. When adjacent to any residential district, new construction shall provide permanent screen with a height of 80 inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 165D.04.

C. No outdoor storage shall be permitted unless other provisions of this Code of Ordinances allow for this condition.

D. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

E. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.

F. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.

G. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

H. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

I. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

J. No display of merchandise shall be allowed on public rights-of-way.

K. Any firearm and ammunition sales shall require a permit for the Bureau of Alcohol, Tobacco, and Firearms, or its successor agency.

165B.19 BN: NEIGHBORHOOD BUSINESS DISTRICT.

1. Intent. This district is intended to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this ac. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

A. Cultural services

B. Community services/civic uses
C. Day-care, public and private schools
D. Public parks and open space
E. Public and private utilities
F. Animal care
G. Business and household services
H. Financial services
I. Food and beverage services
J. Retail services
K. Special commercial
L. Medical offices
M. General office uses
N. Recreational commercial

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the BN District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Street Side Yard</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses</td>
<td>6,000 sq. ft.</td>
<td>50 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>70 percent</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>6,000 sq. ft.</td>
<td>50 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet</td>
<td>25 feet</td>
<td>25 feet</td>
<td>70 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>25 feet</td>
<td>25 feet</td>
<td>5 feet</td>
<td>--</td>
<td>25 feet</td>
<td>--</td>
</tr>
</tbody>
</table>

8. Use Limitations.

A. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.

B. When adjacent to any residential district, new construction shall provide permanent screen with a height of 80 inches if a fence, in order to minimize impacts on residually zoned property, pursuant to Section 165D.04.

C. No outdoor storage shall be permitted unless other provisions of this Code of Ordinances allow for this condition.

D. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and/or district and so that no glare is visible to any traffic on any public street.

E. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

F. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential
properties.

G. Off-street parking and loading shall be provided for all uses established in this district.

H. Any firearm and ammunition sales shall require a permit for the Bureau of Alcohol, Tobacco, and Firearms, or its successor agency.

165B.20 HSB: HIGHWAY SERVICE BUSINESS DISTRICT.

1. Intent. This district is intended to provide for effective use of land situated in relationship to major highways and highway interchanges so efficient grouping of activities can develop to serve the traveling public. Front yard requirements are designed to provide for the safety of the traveling public by provision for adequate off-highway maneuvering and parking space.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

A. Cultural Services
B. Community services/civic uses
C. Day-care, public and private schools
D. Public parks and open space
E. Public and private utilities
F. Animal care
G. Business and household services
H. Financial services
I. Food and beverage services
J. Retail services
K. Special commercial
L. Medical offices
M. General office uses
N. Recreational commercial

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district. Uses with specific basic conditions required:

A. Restaurants and other eating establishments, provided that no such establishment shall have more than 50 percent of the gross receipts derived from the sale of liquor, mixed drinks, beer, or other intoxicating beverages.

B. Taverns, bars, cocktail lounges, and similar uses which require licensing for the dispensing of beverages shall be permitted only when located in the same building as a restaurant in the overall design of a motel or hotel when such tavern, bar or cocktail lounge is less than 10 percent of the floor area of the facility and is not located on the front or highway side of the facility.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the HSB District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.
7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows unless otherwise noted:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
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<th>Side Yard</th>
<th>Maximum Height</th>
<th>Street Side Yard</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses</td>
<td>10,000 sq. ft</td>
<td>75 feet</td>
<td>25 feet*</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>40 percent</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>10,000 sq. ft</td>
<td>75 feet</td>
<td>25 feet*</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>40 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>25 feet*</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

*No building shall be located closer than 25 feet from a street or highway right-of-way, except that one identification sign or decorative pylon sign may be placed at a property line or within the required yard space.

**The maximum height of any use shall be decreased to 36 feet when located within 100 feet of any residential district.

8. Use Limitations.

A. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.

B. When adjacent to any residential district, new construction shall provide permanent screen with a height of 80 inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 165D.04.

C. No outdoor storage shall be permitted unless other provisions of this Code of Ordinances allow for this condition.

D. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

E. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.

F. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.

G. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

H. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

I. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

J. No display of merchandise shall be allowed on public rights-of-way.

K. Any firearm and ammunition sales shall require a permit for the Bureau of Alcohol, Tobacco, and Firearms, or its successor agency.

165B.21 BGH HEAVY GENERAL BUSINESS DISTRICT.

1. Intent. This district is intended to provide for the widest range of retail and service establishments short of including industrial/manufacturing uses.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

A. Cultural services

B. Community services/civic uses

C. Day-care, public and private schools

D. Public parks and open space
E. Public and private utilities  
F. Animal care  
G. Business and household services  
H. Financial services  
I. Food and beverage services  
J. Retail services  
K. Special commercial  
L. Medical offices  
M. General office uses  
N. Recreational commercial

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the BGH District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows unless otherwise noted:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Street Side Yard</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>45 feet**</td>
<td>--</td>
<td>90 percent</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>45 feet**</td>
<td>--</td>
<td>90 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>20 feet</td>
<td>--</td>
<td></td>
</tr>
</tbody>
</table>

* No building shall be located closer than 25 feet from a street or highway right-of-way, except that one identification sign or decorative pylon sign may be placed at a property line or within the required yard space.
** The maximum height of any use shall be decreased to 35 feet when located within 100 feet of any residential district.

8. Use Limitations.

A. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.

B. When adjacent to any residential district, new construction shall provide permanent screen with a height of 80 inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 165D.04.

C. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

D. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

E. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.

F. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.

G. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the
residential district by a sight-obscuring fence permanently maintained at least six feet in height.

H. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

I. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

J. No display of merchandise shall be allowed on public rights-of-way.

K. Any firearm and ammunition sales shall require a permit for the Bureau of Alcohol, Tobacco, and Firearms, or its successor agency.

165B.22 ML: LIGHT MANUFACTURING DISTRICT.

1. Intent. This district is intended to provide for a wide range of commercial and industrial uses, all of which shall be able to meet specifications for nuisance free performance. The district specifically excludes residences.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

   A. Agriculture and horticulture uses
   B. Agricultural sales and service
   C. Cultural services
   D. Community services/civic uses
   E. Day-care, public and private schools
   F. Public parks and open space
   G. Public and private utilities
   H. Animal care
   I. Business and household services
   J. Food and beverage services
   K. Special commercial
   L. Recreational commercial
   M. Auto services
   N. Warehousing and storage
   O. Contractors, contractor yards, storage and supply
   P. Food processing and manufacturing
   Q. Metal processing, stamping
   R. Wood products manufacturing

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the ML District as heard and approved by the Board of Adjustment. Uses with specific basic conditions required:

   A. Production, manufacturing, assembly, processing, or transportation of goods and materials, except:
(1) The refining, distillation, or manufacture of acids or alcohols, chemicals, petroleum products, cement, lime, gypsum, or plaster of Paris or fertilizer.

(2) The operation of blast furnaces, coke ovens, smelting or ore reduction works, boiler works, forges, rolling mills, or yeast plants.

(3) Production, manufacture, processing, or transportation of toxic, radioactive, flammable, or explosive materials.

(4) Tanning, curing, or storage of raw hides or skins; stockyards or slaughter of animals or fowl rendering fat; distillation of bones, coals, or wood.

(5) Dumping or reduction of garbage, offal, or dead animals.

(6) Mining, quarrying, stone willing, or rock crushing.

(7) Extraction of sand, gravel, or soil.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 1658.09 and sections within Chapter 165A for more detail.

7. Height and Lot Requirements. The height and minimum lot requirements shall be as follows unless otherwise noted:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
<th>Maximum Height</th>
<th>Street Side Yard</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses</td>
<td>10,000 sq. ft</td>
<td>50 feet</td>
<td>20 feet</td>
<td>--</td>
<td>--</td>
<td>70 feet</td>
<td>10 feet</td>
<td>75 percent</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>10,000 sq. ft</td>
<td>50 feet</td>
<td>20 feet</td>
<td>--</td>
<td>--</td>
<td>70 feet</td>
<td>10 feet</td>
<td>75 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>50 feet</td>
<td>20 feet</td>
<td>--</td>
<td>--</td>
<td>20 feet</td>
<td>10 feet</td>
<td>--</td>
</tr>
</tbody>
</table>

8. Use Limitations.

A. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.

B. When adjacent to any residential district, new construction shall provide permanent screen with a height of 80 inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 165D.04.

C. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

D. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

E. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.

F. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.

G. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

H. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

I. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

J. No display of merchandise shall be allowed on public rights-of-way.
1. Intent. This district is intended to provide the widest range of industrial uses permitted in the community. It is the district for location of those uses which have not reached a technical stage in processing which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance free manner.

2. Adult Entertainment Facilities. Adult entertainment facilities are included in this Zoning District. The intent of this Zoning Code in including these uses in this district is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

3. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed.

A. Adult Uses
B. Agriculture and Horticulture Uses
C. Agricultural Sales and Service
D. Public and Private Utilities
E. Business and Household Services
F. Food and Beverage Services
G. Recreational Commercial
H. Auto Services
I. Warehousing and Storage
J. Contractors, Contractor Yards, Storage and Supply
K. Large Contracting/Materials Manufacturing
L. Food Processing and Manufacturing
M. Mining and Excavation
N. Metal Processing, Stamping
O. Wood Products Manufacturing
P. General Manufacturing (High Hazard)

4. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

5. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the MH District as heard and approved by the Board of Adjustment.

6. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.32.

7. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

8. Height and Lot Requirements. The height and minimum lot requirements shall be as follows unless otherwise noted:
9. Use Limitations.

A. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.

B. When adjacent to any residential district, new construction shall provide permanent screen with a height of 80 inches if a fence, in order to minimize impacts on residually zoned property, pursuant to Section 165D.04.

C. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

D. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

E. When adjacent to an alley, the width of the alley shall be included in computing the minimum rear yard setback.

F. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.

G. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.

H. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

I. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

J. No display of merchandise shall be allowed on public rights-of-way.

K. Any firearm and ammunition sales shall require a permit for the Bureau of Alcohol, Tobacco, and Firearms, or its successor agency.


165B.24 MLG: INDUSTRIAL DISTRICT.

1. Intent. This district is intended strictly for uses focused on promoting the maximum economic impact for the City and State. The area designated as MLG was created using monies from the State of Iowa's RISE program, as outlined in 163.2 (315) of the Iowa Administrative Code. All proposed developments within this zoning district shall first be approved by the Iowa Department of Transportation as being appropriate to the RISE funding. The City also desires to focus on uses that develop green products and/or implements green infrastructure and techniques into the constructed structures.

2. Compatible Use Categories. The following are use categories identified in Section 165B.09 of this Zoning Code. Specific uses within the use categories may be allowed as a permitted use, conditional use, and temporary use, or not permitted. Refer to Section 165B.09 to determine the level allowed. Most uses shall be focused on light manufacturing with limited exhaust, noise, and odor emissions.

   A. Public and private utilities and communications

   B. Warehousing and storage

   C. Food processing and manufacturing

   D. Metal processing, stamping
E. Wood products manufacturing

3. Permitted Uses. Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

4. Conditional Uses. The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the MH District as heard and approved by the Board of Adjustment.

5. Temporary Uses. Temporary uses may be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 165A.30.

6. Accessory Uses and Structures. Refer to the definitions of accessory uses and structures, as well as Table 165B.09 and sections within Chapter 165A for more detail.

7. Prohibited Uses. Due to the requirements of the Iowa RISE program the following uses are expressly prohibited in this zoning district.
   A. Residential uses
   B. Local governmental facilities
   C. Local public schools
   D. Locally oriented business services
   E. Personal services

8. Height and Lot Requirements. The height and minimum lot requirements shall be as follows unless otherwise noted:

<table>
<thead>
<tr>
<th>Use</th>
<th>Lot Area</th>
<th>Lot Width</th>
<th>Front Yard</th>
<th>Rear Yard</th>
<th>Side Yard</th>
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<th>Maximum Height</th>
<th>Maximum Building Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted uses</td>
<td>--</td>
<td>50 feet</td>
<td>20 feet</td>
<td>--</td>
<td>--</td>
<td>10 feet</td>
<td>70 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Conditional uses</td>
<td>--</td>
<td>50 feet</td>
<td>20 feet</td>
<td>--</td>
<td>--</td>
<td>10 feet</td>
<td>70 feet</td>
<td>50 percent</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>--</td>
<td>--</td>
<td>20 feet</td>
<td>--</td>
<td>--</td>
<td>10 feet</td>
<td>20 feet</td>
<td>--</td>
</tr>
</tbody>
</table>

9. Use Limitations.
   A. When adjacent to any residential district, no parking, drives, or signs shall be allowed in the required front yard within 15 feet of such residential district.
   B. When adjacent to any residential district, new construction shall provide permanent screen with a height of 80 inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 165D.04.
   C. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
   D. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.
   E. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
   F. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.


165B.25 PD: PLANNED UNIT DEVELOPMENT DISTRICT.
1. Intent. The Planned Unit Development District (PD) is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, while promoting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods. When a PD District is requested, it will require a change of zone with the PD being attached to the primary district. Once the rezoning is approved, the allowed uses and standards herein shall modify the minimum requirements of the underlying district.

2. Permitted Uses. The following uses are permitted in the Planned Unit Development District, provided the requirements of this chapter are met.
   A. All uses allowed as permitted in the primary district.

3. Conditional Uses. The following uses may be allowed through the approval of a conditional use permit, as established by this Zoning Code, provided all noted, as well as any special conditions required by the City Council are met.
   A. All uses allowed as a conditional use in the primary district.

4. Temporary Uses. The following temporary uses shall be permitted provided a temporary use permit is obtained and said temporary use is eliminated at the expiration of the permit.
   A. All uses allowed as a temporary use in the primary district.

5. Accessory Uses and Structures. All accessory uses allowed within the primary district.

   A. The Planning and Zoning Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PD plan approval, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.
      (1) Said PD shall be in general conformity with the provisions of the Sergeant Bluff Comprehensive Plan.
      (2) Said PD shall not have a substantially adverse effect on the development of the neighboring area.
      (3) The minimum size allowed for a PD District by type of use shall be as follows:
         a. Residential (only), three acres.
         b. Residential - Commercial (combination), five acres.
      (4) Height, bulk, and yard requirements shall be reflected on the Development Plan and shall promote an efficient and creative use of land.
   B. Use Limitations. In a PD no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in this district. All uses must be approved as shown on the Development Plan as specified in this division.
   C. Standards and Conditions for Development. A development proposed for land classified as the PD district shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.
      (1) The applicant shall satisfy the Planning and Zoning Commission and City Council that there is the ability to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction, if necessary. The proposed construction shall begin within a period of 12 months following the approval of the final application by the City Council. A minimum of 50 percent of the total planned construction shown on the final plan shall be completed within a period of three years following such approval or the approval shall expire. If the approval expires under this section, the applicant shall show good cause to the Planning and Zoning Commission to extend the plan approval.
      (2) The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.
(3) The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.

(4) The development shall not impose an undue burden on public services and facilities, such as fire and police protection.

(5) The entire tract or parcel of land to be occupied by the PD development shall be held in single ownership or control, or if there are two or more owners, the application for such PD development shall be filed jointly by all owners. This provision may be waived provided that the land contains existing improvements.

(6) The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a PD development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved as shown on the Development Plan.

(7) Off-street parking and loading shall be provided in accordance with the parking and loading regulations of the City of Sergeant Bluff.

(8) When a commercial use within a PD District abuts a residential district, the Development Plan shall reflect screening consisting of landscaping and/or fencing provided adjacent to any adjoining residential district; except in the event the adjacent residential use and the commercial use are separated by a street right-of-way.

(9) All residential and commercial buildings shall set back not less than 25 feet from the perimeter of the land zoned PD. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning and Zoning Commission for protection of health, safety, and general welfare.

(10) Building coverage area shall not exceed the following percentages of the net developable area of each individual parcel of the total development:

   a. Residential: 60 percent maximum.

   b. Commercial: 50 percent maximum.

   NOTE: Building coverage area is the area covered by buildings or structures on each individual lot or parcel (not including impervious improvements such as—walkways, driveways, and patios). The net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan. The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

(11) A minimum of 20 percent of the net area of that part of a PD development reserved for residential use shall be provided for common areas as defined by this Zoning Code under Subparagraph (16) below. The term “net area” shall be the gross area, measured in square feet, of the Development Plan devoted to residential use less the area dedicated for public streets. Common areas are defined as playgrounds, street medians, landscaped green space, or other similar areas designed to be used by the residents of the development in common with each other. Common areas for the leisure and recreation of development residents shall be owned and maintained in common by them, through a homeowner’s association.

(12) The PD District shall include such provisions for the ownership and maintenance of the common areas as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. The applicant shall submit any protective covenants and organizational documents of the homeowner’s association with the Development Plan.

(13) No residential use shall have direct access onto an arterial street unless approved by the City Council in the Development Plan.

(14) Any commercial use must reflect its traffic flow on the Development Plan. All commercial areas must have indirect access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.

(15) Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the PD development.
(16) Common areas, as defined under this zoning district, shall mean land area of the site not covered by buildings, parking, structures, community buildings, or accessory structures, except recreational structures. Common areas shall include open space that is accessible and available to all owners or residents in common pursuant to an Owner’s Association.

7. Application for Approval of Planned Unit Development.

A. An application for a PD shall be handled in the same manner prescribed for amending this Zoning Code. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.

B. The applicant shall prepare and submit 11 copies of the Development Plan of the proposed development in the PD District for review and approval by the Planning and Zoning Commission. The Development Plan shall include:

(1) A site plan showing:
   a. Contours at intervals of two feet or spot elevations on a 100-foot grid shall be required on flat land.
   b. Location, size, height, and use of all proposed structures and proposed yards on each lot.
   c. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas.
   d. All streets adjoining subject property and the width of the existing right-of-way.
   e. Areas set aside for common areas with the type of use or recreational facilities planned for each.
   f. Designation of individual parcels if the proposed development is to be set up in separate construction phases.
   g. Designation of individual lots if such lots are proposed to be sold to individual owners.
   h. Location of required screening.
   i. Location of natural features such as ponds, tree clusters, and rock outcropping.
   j. Existing development on adjacent properties within 200 feet.

(2) The above-described site plan shall also include a section designated as “general provisions,” and said section shall include the following, when said items are applicable:
   a. Net area in square feet of the development. (Note: Net area shall be computed as the gross area less the land dedicated or necessary to be dedicated for public street right-of-way.)
   b. Density of dwelling units per acre of the total dwelling units for the entire plan.
   c. Building coverage of the net area of the development by individual parcel or total development.
   d. The percentage of the Development Plan provided for common open space as defined by this Zoning Code. (Note: 20 percent is the minimum.)
   e. If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
   f. Required number of parking spaces and location.
   g. Gross floor area proposed for commercial buildings.
   h. All proposed land uses shall be listed by parcel.

(3) A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.

(4) The full legal description of the boundaries of the property or properties to be included in the PD development.

(5) A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed PD development.
(6) An elevation drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.

(7) When a PD development includes provisions for common space and/or recreational facilities, a statement describing how such open space and/or facility be owned and maintained when not under the ownership of a governmental entity. A homeowner association or other controlling entity shall provide the City with copies of the proposed articles of incorporation and bylaws of such entity.

C. The Planning and Zoning Commission shall meet within 45 days of an application being filed. Plans shall be filed with the City at least four weeks prior to a scheduled Planning and Zoning Commission meeting. After the application for a PD development is filed, the Planning and Zoning Commission shall hold a public hearing on said development after giving required notice for hearings in amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning and Zoning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the Development Plan complies with those regulations, together with its recommendations in respect to the action to be taken on the Development Plan and PD requirements. The Planning and Zoning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.

D. The City Council shall or shall not approve the Development Plan and authorize the submitting of the final Development Plan.

E. Substantial or significant changes in the preliminary plat and PD design shall only be made after rehearing and reapproval unless the changes were otherwise required by the Planning and Zoning Commission or the City Council.

8. Final Approval.

A. After approval of a Development Plan and prior to the issuance of any building permit or zoning permit, the applicant shall submit an application for final approval with the PD development compliance review committee. The PD development compliance committee shall consist of members of the Planning and Zoning Commission, City Council, the Zoning Administrator, the City Attorney, and/or the City Engineer; this committee will be assembled only on an as-needed basis. Said final application may include the entire PD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include 11 copies of such drawings, specifications, covenants, easements, conditions, and any other conditions, including (but not limited to) performance bonds. As set forth in the approval of the Development Plan preliminary plan and in accordance with the conditions established in this chapter for a PD District. The final plan shall include the same information, as the preliminary plan except the following shall also be provided:

(1) A surveyor’s certificate certifying to the accuracy of the boundary surveys shown.
(2) Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public rights-of-way.
(3) All easements and appropriate building setback lines.
(4) All lot lines, and lot dimensions including chord distances for curvilinear lot lines.
(5) Lot and/or parcel numbers.
(6) Location, size, height, and use of all proposed or present buildings.
(7) Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
(8) A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alley to conform to grades established.

B. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the Development Plan does not:

(1) Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area.
(2) Increase by more than 10 percent the floor area proposed for nonresidential use.
(3) Increase by more than five percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.

(4) Substantially change the design of the plan so as to significantly alter:
   a. Pedestrian or vehicular traffic flow.
   b. The juxtaposition of different land uses.
   c. The relation of open space to residential development.
   d. The proposed phasing of construction.
   e. Proposed use of one or more buildings to a more intensive use category as delineated in this chapter.

C. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The Planning and Zoning Commission shall, within thirty 30 business days of the time of filing, review the final plan for compliance with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for final approval and acceptance.

D. In the event that the final plan submitted contains changes in excess of those permitted under Paragraph B above, applicant shall resubmit the original plan. The Development Plan shall be modified in the same manner prescribed in this division as for original approval.

9. Enforcement and Modification of Plan. To further the mutual interest of the residents and owners of the PD development and of the public in the preservation of the integrity of the PD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

   A. The use of land and the use, bulk, and location of buildings and structures; and
   B. The quality and location of common space; and
   C. The intensity of use or the density of residential units shall run in favor of the City; and shall be enforceable in law or in equity, by the City, without limitation on any powers or ordinance otherwise granted by law.

The development of any land pursuant to an approved Development Plan shall be constructed in accordance with the requirements of Section 165B.23 and the approved Development Plan.

10. Amendments. The PD District agreement or an approved Development Plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment maybe made by the homeowner’s association or 51 percent of the owners of the property within the PUD District.

11. Platting. For unplatted tracts or tracts being re-platted, the approval of the Development Plan shall be considered as the approval of a preliminary plan. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the Subdivision Regulations, except the scale shall be 100 feet, 50 feet, or 20 feet to the inch.

12. Fees. For the following applications, fees shall be paid to the City:

   A. Development Plan, filing fee shall be set by the City Council by separate ordinance.
   B. Final plan, filing fee shall be set by the City Council by separate ordinance.

These fees are separate and do not include any preliminary and final plat fees and/or any change of zone fees required by the City.

165B.26 AP: AIRPORT OVERLAY DISTRICT.

1. District Established. An Airport Protection (AP) overlay district is established for the purpose of ensuring that development within the areas of the City that are impacted by the Siouxland Gateway Airport operations are compatible with the function and operations of the airport.
2. Purpose. Consistent with the Chapter 329, Airport Zoning, of the Code of Iowa, it is hereby found that an airport hazard endangers the lives and property of the users of an airport and occupants of land and other persons in its vicinity and also, if the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared that:

   A. The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport.
   
   B. It is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards be prevented.
   
   C. The prevention of airport hazards should be accomplished, to the extent legally possible, by the exercise of the City’s police power.
   
   D. The prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the City may raise and expend public funds, as an incident to the operation of the airport, to acquire land or property interests.

3. Jurisdiction. The standards, regulations, and restrictions of this section apply to lands within the corporate limits of the City.

4. Authority. The administration and enforcement of the regulations of this section are hereby granted to the Zoning Administrator, in coordination with the Airport Director, who shall review and act upon all applications for permits.

5. Conflict. In the event of any conflict between the regulations of this Zoning Code and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

6. Airport Zoning Commission. The Airport Zoning Commission is appointed in accordance with Section 329.9 of the Code of Iowa, Procedure for Adopting Zoning Regulations - Zoning Commission, as amended from time to time.

7. Applicability. All projects located within the AP District that exceed 150 feet in height shall be reviewed by the Zoning Administrator, in consultation with the Airport Director, for compliance with the provisions of the AP District.

8. Boundaries. The boundaries of the AP District are the extents of the airport zones within the jurisdiction of the City, as set out in Subsection 22, Zones, below.

9. Interpretation. All features of property within the AP District shall comply with the applicable requirements of 14 CFR § 77. The City may require a study establishing compliance at the time of a rezoning request, and may also require a similar study at the time of application for development approval. The City’s standard note requiring compliance with 14 CFR § 77 shall be required on all recorded development approvals. Where structures are allowed, the maximum height must not exceed the limitations of 14 CFR § 77 in effect at the time of permit issuance.

10. Disclaimer. The degree of protection provided by this section is considered reasonable for regulatory purposes and is based on planning, engineering, and scientific methods of study, and in coordination with appropriate federal agencies. This section does not imply that areas outside of the airport hazard area will be totally free from aircraft hazards or noise, and, therefore, shall not create a liability on the part of the City, or any of its officers or employees, for any damages resulting from reliance on this section.

11. Aviation Easement. This section may apply to land within the airport hazard area, and to development for which the Zoning Administrator, in consultation with the Airport Director, or City Council determines that conditions of approval are necessary to prevent or mitigate environmental impacts or hazards to navigation. When required, development approvals shall be conditioned upon recording an appropriate aviation easement over the parcel proposed for development. The easement shall:

   A. Be in a form reviewed and recommended by the City Attorney and approved by the City Council.
   
   B. Permit flight operations above the parcel proposed for development.
C. Release the aircraft operator, the airport owner and operators, and the City from liability or responsibility for the effects of their flight operations.

D. Recognize the right of the aircraft operator, the airport owner and operators, and the City to:

1. Create noise, dust, fumes, vibration, the dispersion of fuel particles.

2. Prohibit electrical interference and directed lighting or glare that would interfere with airport operations.

3. Remove, mark, or light structures or other obstructions above heights specified in the easement.

E. Run with the land with a perpetual term.

F. Include language stating that, where applicable, noise mitigation construction techniques may be required to mitigate the noise to which the property is exposed.

G. Be recorded in the public records of Woodbury County.

12. Required Permit. A permit shall be applied for, considered, and, as appropriate, granted by the Airport Zoning Commission before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed, altered, or repaired.

A. No permit will be granted that will allow the establishment or creation of an airport hazard or permit a nonconforming structure, tree, or nonconforming use to be made, become higher, or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

B. A permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the Administrator before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted.

C. No permit shall be required for repairs to a nonconforming structure necessitated by fire, explosion, acts of God, or the common enemy, or if the repairs do not involve expenditures exceeding more than 60 percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its pre-existing height.

13. Permit Exceptions.

A. Horizontal and Conical Zones. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any structure less than 75 feet in height above the surface of the ground, except when because of terrain, land contour, or topographic features such structure would extend above the height limits prescribed for such zone.

B. Instrument and Non-Instrument Approach Zones. In the area lying within the limits of the instrument and non-instrument approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any structure less than 75 feet in height above the surface of the land, except when such structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.

C. Transition Zones. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure less than 75 feet in height above the surface of the land, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

14. Required Annotations on Applications for Development Approval. Applications for development approval within the AP District shall depict the boundaries of the AP District and the airport zones on or in the vicinity of the parcel proposed for development.

15. Required Annotations on Development Approvals.

A. Generally, a specific note indicating the recording information for the aviation easement that is required by Subsection 11, Aviation Easement Required, above, shall be required on all development approvals.

B. Site Plans and Plats. A note in a form approved by the City Attorney shall be included on each site plan and each plat that is subject to this section, which discloses the existence of the noise mitigation
construction technique requirement and states the applicant’s and the applicant’s successors in interest consent to the requirements and to the City’s enforcement of the requirements.

C. Additional Requirements. The City shall also require, as applicable, the following annotations or disclosures on site plans or plats:

1. Excerpts of the regulations of this section (transcribed or summarized).
2. Noise disclosure text.
3. Other notes that are intended to ensure full and adequate disclosure of the hazards and the development conditions applicable to the parcel proposed for development.

16. Permitted Uses. The AP District shall permit airport uses, as well as related support facilities and other uses allowed in the ML and MH Districts, provided that such allowed uses are not detrimental or hazardous to the safety of aircraft. All regulations that apply to the ML and MH Districts shall also apply to the AP District, except where such regulations conflict with Federal Aviation Administration (FAA) regulations.

17. Accessory Uses. Accessory facilities incidental to the normal operation of an aircraft landing field including, but not limited to, navigational aids, refueling facilities, parking and storage facilities, and offices, but not including uses that are prohibited in the ML and MH Districts, as allowed.

18. Use Restrictions. Notwithstanding any other provisions of this Item, no use may be made of land or water within any airport zone in a manner as to:

A. Create electrical interference with navigational signals or radio communication between the airport and aircraft.
B. Make it difficult for aircraft operators to distinguish between airport lights and other lights.
C. Result in glare in the eyes of aircraft operators using the airport.
D. Impair visibility in the vicinity of the airport.
E. In any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

19. Space Limits. The space limits shall be the same as those applicable to the ML and MH Districts, except:

A. No heliport shall be located on a lot of less than 40,000 square feet.
B. No landing field for airplanes shall be located on a site of less than 40 acres.
C. The site of a landing field for airplanes shall be of sufficient size to provide at least 500 feet between the end of each runway and the nearest boundary line of such site intersecting the centerline of the longest dimension of each runway.

20. Height Limits. Except as provided in this section, no structure or tree shall be erected, altered, allowed to grow, or be maintained in the airport hazard area or any applicable airport zone to a height in excess of the applicable height limit established for such zone. Such height limitations are computed as follows:

A. Instrument Approach Zone. Height limits are as follows: one foot in height for each 50 feet in horizontal distance beginning at a point 200 feet from the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway; thence one foot in height for each 40 feet in horizontal distance to a point 50,200 feet from the end of the runway.

B. Non-Instrument Approach Zones. Height limits are as follows: one foot in height for each 40 feet in horizontal distance beginning at a point 200 feet from the end of the non-instrument runway and extending to a point 10,200 feet from the end of the runway.

C. Transition Zones. Height limits are as follows: one foot in height for each seven feet in horizontal distance beginning at a point 500 feet from the centerline of the instrument and non-instrument runways, measured at right angles to the centerline of the longest dimension of the runway, extending upward to a maximum height of 150 feet above the established airport elevation which is 1,097 feet above mean sea level. In addition to the foregoing, there are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal and conical surfaces;
further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one foot for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward to the points where they intersect the horizontal and conical surfaces; further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one foot for each seven feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of 5,000 feet from the edge of the instrument approach zone measured at right angles to the continuation of the aforesaid centerline of the runway.

D. Horizontal Zone. Height limits are as follows: 150 feet above the airport elevation.

E. Conical Zone. Height limits are as follows: one foot in height for each 20 feet of horizontal distance beginning at the periphery of the horizontal zone and extending for a distance of 4,000 feet.

21. Height Exception. Nothing in this Zoning Code shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height of not more than 45 feet above the surface of the land.

22. Zones. In order to carry out the purposes of this Item, there are created and established certain zones designated as the approach zones, transitional zones, horizontal zones, and conical zones. Such zones are shown on the airport hazard zoning map adopted by the City Council, which is on file in the Department and the office of the City Clerk, and which map, as amended from time to time, is incorporated by reference and made part of this Code. An area located in more than one zone is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Instrument Approach Zone. An instrument approach zone is established at the end of the existing or proposed instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of 1,000 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a distance of 50,200 feet beyond each end of the runway, the centerline of the approach zones being a continuation of the runway centerline.

B. Non-Instrument Approach Zone. A non-instrument approach zone is established at each end of all non-instrument runways on the Sioux Gateway Airport for non-instrument landings and takeoffs. The non-instrument approach zone shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,500 feet at a distance of 10,200 feet beyond each end of the runway, the centerline of the approach zones being a continuation of the runway centerline.

C. Transition Zones. Transition zones are established adjacent to each instrument and non-instrument and approach zone as indicated on the airport hazard zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown in the airport hazard zoning map. Transition zones extend outward from a line 500 feet on either side of the centerline of the instrument and non-instrument runways for the length of such runway plus 200 feet on each end and are parallel to and level with such runway centerlines. The transition zones along with the runway slope upward and outward one foot vertically for each seven feet horizontally to the point where they intersect the surface of the horizontal zone; further, transitional zones are established adjacent to both instrument and non-instrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the airport hazard zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at a rate of one foot vertically for each seven feet horizontally to points where they intersect the surface of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of 500 feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the runway centerline.

D. Horizontal Zone. A horizontal zone is established, being a plane 150 feet above the established airport elevation (1,097 feet above mean sea level), the perimeter of which is constructed by swinging arcs at a radius of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

E. Conical Zone. A conical zone is established, being a surface extending outward and upward from the periphery of the upper surface of the horizontal zone (1,247 feet) at a slope of 20 to one for a horizontal distance of 4,000 feet.

23. Variances. Any person desiring to erect or increase the height of any structure, permit the growth of a tree, or otherwise use property in a manner inconsistent with this section may apply to the Board of Adjustment (BOA) for a variance. Each application for a variance shall be accompanied by a determination from the
Federal Aviation Administration (FAA) as to the effect of the proposed variance on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for a variance to the requirements of this section may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Director for advice as to the aeronautical effects of the variance. If the Airport Director does not respond to the application within 30 days after receipt, the Board of Adjustment may meet on its own to grant or deny the application. A variance shall be allowed only in compliance with state and federal law and where the Board of Adjustment makes the same findings for the granting of variances, and a finding that such variance will not create a hazard to air navigation. Such variance request must include the review and recommendation of the Airport Zoning Commission. A variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this Code; Chapter 329, Airport Zoning, of the Code of Iowa; and 14 CFR § 77.

24. Conditions. In granting a permit or variance, the Administrator (permit) or Board of Adjustment (variance) may, if deemed advisable to effectuate the purposes of this Code and reasonable in the circumstances, condition a permit or variance as to require the owner of the structure or tree to permit the City, at its own expense, to install, operate, and maintain such markers and lights as may be necessary to indicate to aircraft operators the presence of an airport hazard.


A. Generally. See Section 165A.24, Nonconforming, General Intent.

B. Regulations Not Retroactive. With the exception of those uses specifically prohibited in Subsection 18 of this section, Use Restrictions, above, the regulations set out in this Zoning Code shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree in existence as of the effective date of this Code, nor shall any change in construction, alteration, or intended use of any structure be required if the construction or alteration was begun prior to the effective date of this Zoning Code and is completed within one year.

C. Marking and Lighting. Notwithstanding Paragraph B, immediately above, the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance of such markers and lights as shall be deemed necessary by the Administrator, in consultation with the Airport Director, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Sioux Gateway Airport.

**EDITOR'S NOTE**

The following ordinances have been adopted amending the Official Zoning Map, described in Section 165B.04 of this chapter, which was approved by the City Council on March 22, 2016, and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

<table>
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<th>Ordinance No.</th>
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<td>645</td>
<td>November 22, 2016</td>
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165C.02 Conditional Use Permit Required
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165C.01 CONDITIONAL USE PERMITS - INTENT.

Many land use activities, while not inherently inconsistent with other permitted uses in a particular zoning district, may have significant impact on the surrounding area. Conditional use permits for such uses allow special conditions to be attached to the development to address those impacts. The conditional use permit process provides for flexibility in identifying the special conditions without making the regulations unreasonably complicated. The objective of the conditional use permit process is to encourage compatibility of the proposed development with the environment, and with existing and future land uses in the area.

165C.02 CONDITIONAL USE PERMIT REQUIRED.

Those uses which require a conditional use permit are listed in Section 165A.22(13) and Section 165B.09.

(Ordinance 659, dated August 3, 2017)

165C.03 RECOMMENDATION ON APPLICATIONS.

1. Before being presented to the Board of Adjustment, an application for a conditional use permit shall be referred to the Planning and Zoning Commission for recommendation. When presented to the Planning and Zoning Commission, the application shall be accompanied by a report from the planning staff setting forth findings concerning the application's conformance to this chapter, and any recommendations for the requirements or conditions to be imposed on the proposed development by the Board of Adjustment.

2. The Planning and Zoning Commission shall consider the application at a public hearing. The public hearing shall be scheduled according to standard agenda procedures.

3. After reviewing the application at a public hearing, the Planning and Zoning Commission shall report to the Board of Adjustment whether it concurs in whole or in part with the Zoning Administrator's proposed findings and recommendations. To the extent the Planning and Zoning Commission does not concur, the Planning and Zoning Commission shall propose its own recommendations and provide supporting reasons.

165C.04 ISSUANCE OF CONDITIONAL USE PERMIT.

1. A conditional use permit may be issued only after review and approval of the submitted application, including any plans (Site Plan Review) as required under Sections 165E.07 through 165E.11 of this Zoning Code, by the Board of Adjustment. An application and plan shall only be approved upon determination that the development, if completed as proposed will comply with the provisions of this chapter.

2. The conditional use permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the
proposed use, and shall incorporate by reference the approved application and plan. The permit shall contain any special conditions or requirements lawfully imposed by the Board of Adjustment. The Zoning Administrator shall record the permit and shall provide the applicant with a copy of the recorded permit.

3. All development shall occur strictly in accordance with such approved application and plan.

165C.05 APPLICATION FOR CONDITIONAL USE PERMITS.

1. The applicant for a conditional use permit must be a person with the legal authority to take action in accordance with the permit. In general, this means that applications should be made by the owners or lessees of the subject property or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits, or their agents.

2. The application must be submitted on an approved form and must be complete. An application shall be complete when it contains all the information necessary for the Board of Adjustment to decide whether the development, if completed as proposed, will comply with all of the requirements of this section. Unless the Board of Adjustment informs the applicant at the hearing in what way the application is incomplete, the application shall be presumed to be complete. If incomplete, the Board of Adjustment shall offer the applicant the opportunity to complete the application, either at that hearing or at a continuation hearing.

3. To minimize planning costs to the developer, avoid misunderstandings or misinterpretations, and to ensure compliance with the requirements of this section, a pre-application conference between the developer and the Zoning Administrator is encouraged.

165C.06 NOTIFICATION.

Notification will be posted as per Section 18.05 of this Code of Ordinances.

165C.07 STANDARDS FOR APPROVAL.

1. The Board of Adjustment shall review the proposed development for conformance to the following development criteria:

   A. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.

   B. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

   C. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.

   D. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this Zoning Code, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.

   E. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.

   F. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

2. If the Board of Adjustment concludes that all development criteria will be met by the development, it shall approve the application and plans unless it concludes, based on the information submitted at the hearing, that if completed as proposed there is a strong probability the development will:

   A. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property; or
B. Impair an adequate supply (including quality) of light and air to surrounding property; or
C. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers; or
D. Diminish or impair established property values on adjoining or surrounding property; or
E. Not be in accord with the intent, purpose and spirit of this Zoning Code or Comprehensive Development Plan.

165C.08 BURDEN OF PERSUASION.

The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this chapter is at all times on the applicant. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this section is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.

165C.09 BOARD OF ADJUSTMENT ACTION ON APPLICATIONS.

In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:

1. The Board of Adjustment shall establish a finding of facts based upon information contained in the application, the staff report, and presented at the Board of Adjustment hearings.

2. The Board shall consider such reasonable requirements or conditions to the permit as will ensure the development will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in Subsections 3 or 4.

3. The Board of Adjustment shall consider whether the application complies with all of the applicable development criteria set forth in Section 165C.07. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.

4. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standard set forth in Section 165C.07. Separate votes may be taken with respect to each standard.

Any such motion regarding compliance or noncompliance of the application to the development criteria or approval standards shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied. Without limiting the foregoing, the Board of Adjustment may attach to a permit a condition limiting the duration of the permit. All conditions or requirements shall be entered on the permit.

165C.10 EXPIRATION OF PERMITS.

1. A conditional use permit shall expire automatically if: (i) if, within one year after issuance, substantial action has not been taken to accomplish the purpose for which the permit was granted; or (ii) after substantial action has been taken and subsequently such work is discontinued for a period of one year, the permit shall immediately expire; or (iii) the conditional use has been established and subsequently is discontinued for a period of one year, the permit shall immediately expire.

2. The Board of Adjustment may extend for a period up to one year the date when a permit would otherwise expire if it concludes that: (i) the permit has not expired; or (ii) the permit recipient has proceeded in good faith and with due diligence; or (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to one year upon the same findings. All such extensions may be granted without reversion to the formal processes and fees required for the original permit.

3. For purposes of this section, the conditional use permit is issued when the Board of Adjustment votes to approve the application and plans. Substantial action shall include commencement of construction, erection, alteration, demolition or similar work required for the development authorized by the permit. With respect to phased development, this shall apply only to the first phase.
165C.11 EFFECT OF PERMIT ON SUCCESSORS AND ASSIGNS.

A conditional use permit authorizes the permit holder the use of land or structures in a particular way and subject to certain conditions. As such, it is transferable. However, no person (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.

165C.12 AMENDMENTS AND MODIFICATIONS.

1. Insignificant modifications to the approved permit are permissible upon authorization by the Zoning Administrator. A modification is insignificant if it has no discernible impact on neighboring properties, the general public or those intended to use or occupy the proposed development.

2. Minor modifications to the approved permit are permissible with the approval of the Board of Adjustment. Such permission may be obtained without a formal application, public hearing or payment of fees. A modification is minor if it has no substantial impact on neighboring properties, the general public or those intended to use or occupy the proposed development.

3. All other requests for modifications to the approved permit will be processed as new applications. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit.

4. The permit holder requesting approval of modifications shall submit a written request (including plans as necessary) for such approval to the Administrator, and the request shall specifically identify the modifications. The Administrator shall determine whether the proposed modification falls within the categories set forth in Subsections 1, 2 and 3.

5. Approval of all modifications must be given in writing.

165C.13 PARKING REQUIREMENTS – PURPOSE.

These off-street parking regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities and are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

165C.14 OFF-STREET AUTOMOBILE STORAGE.

1. Off-street automobile storage or standing space shall be provided on any lot on which any of the uses or similar uses found in Section 165C.15.

2. Off-street automobile storage or standing space shall be provided with vehicular access to a street or an alley.

3. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used. Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

4. All required parking spaces for single-family, two-family, and multi-family dwellings, rooming, and boarding houses, convalescent homes, and mobile homes shall be paved with asphalt or concrete. [See Section 165A.22(12)(C) and (D) for additional accessory parking regulations.]

5. In Districts RS150, RS80, and RG60, required off-street parking for residential uses shall be provided on the lot on which the use is located. In all other districts, if the vehicle storage space or standing space required in Section 165C.15 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning and Zoning Commission and City Council, the City Council may permit such space to be provided on another off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

6. Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
7. Some uses may require two different use types to be calculated together in order to determine the total parking requirement, e.g., primary schools may require one a calculation for classrooms and another for assembly areas.

8. The parking requirements herein do not apply to the BGC Central General Business District.

9. All off-street parking conditions shall meet the ADA requirements in Section 165C.17 of this chapter.

10. In District MF-1, any multi-family development shall provide additional guest parking in addition to all required parking per Section 165C.15. Said guest parking shall be added as follows:

<table>
<thead>
<tr>
<th>5 to 10 Units</th>
<th>10 to 20 Units</th>
<th>Over 20 Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>+6 guest parking spaces</td>
<td>+10 guest parking spaces</td>
<td>Add one additional space for each 10 units over 20 units</td>
</tr>
</tbody>
</table>

11. Residents in the Oak Hills PD shall be allowed to construct and maintain additional semi-hard surfaced parking space on the side of the established driveway farthest from the living unit. The additional parking space shall not be permitted under any circumstances in front of the living unit.

(Ordinance 659, dated August 3, 2017)

165C.15 SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirements</th>
<th>Loading Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult entertainment establishments</td>
<td>1 space per persons of licensed capacity</td>
<td>None required</td>
</tr>
<tr>
<td>Auditoriums/stadiums and arenas</td>
<td>1 space per 4 seats in main assembly area</td>
<td>None required</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>5 spaces per alley plus 1 space per 2 employees</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td>Churches, synagogues and temples</td>
<td>1 space per 4 seats in main worship area</td>
<td>None required</td>
</tr>
<tr>
<td>Clubs, including fraternal organizations</td>
<td>1 space per 500 sq. ft. of gross floor area</td>
<td>None required</td>
</tr>
</tbody>
</table>

Commercial Uses:

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Requirements</th>
<th>Loading Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural sales and service</td>
<td>1 space per 500 sq. ft. of gross floor area</td>
<td>1 per each 5,000 sq. ft.</td>
</tr>
<tr>
<td>Automotive rental/sales</td>
<td>1 space per 500 sq. ft. of gross floor area</td>
<td>1 per each 5,000 sq. ft.</td>
</tr>
<tr>
<td>Automotive servicing</td>
<td>4 spaces per service capacity</td>
<td>1 per each 5,000 sq. ft.</td>
</tr>
<tr>
<td>Barber shop/hair salon</td>
<td>2 spaces per chair</td>
<td>None required</td>
</tr>
<tr>
<td>Body repair</td>
<td>5 spaces per repair stall</td>
<td>None required</td>
</tr>
<tr>
<td>Equipment rental/sales</td>
<td>1 space per 500 sq. ft. of gross floor area</td>
<td>1 space</td>
</tr>
<tr>
<td>Campground</td>
<td>1 space per camping unit</td>
<td>None required</td>
</tr>
<tr>
<td>Commercial recreation</td>
<td>1 space per 2 persons of licensed capacity</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Communication services</td>
<td>1 space per 500 sq. ft. of gross floor area</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Construction sales and service</td>
<td>1 space per 500 sq. ft. of gross floor area</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Food sales (limited)</td>
<td>1 space per 300 sq. ft. of gross floor area</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Food sales (general)</td>
<td>1 space per 200 sq. ft. of gross floor area</td>
<td>2 per establishment</td>
</tr>
<tr>
<td>Furniture and appliance stores</td>
<td>1 space per each 500 sq. ft. of gross sales space</td>
<td>1 for the first 5,000 sq. ft. plus 1 for each additional</td>
</tr>
<tr>
<td>Category</td>
<td>Requirement</td>
<td>Calculation</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>General retail sales establishments</td>
<td>1 space per 100 sq. ft. of gross floor area</td>
<td>1 for the first 5,000 sq. ft. plus 1 for each additional 30,000 sq. ft. or major fraction thereof</td>
</tr>
<tr>
<td>Laundry services</td>
<td>1 space per 200 sq. ft. of gross floor area</td>
<td>None required</td>
</tr>
<tr>
<td>Mall or multi-use (Ordinance 650, March 23, 2017)</td>
<td>See Section 165C.16(2) for calculation formula</td>
<td>According to individual uses</td>
</tr>
<tr>
<td>Restaurants with drive-through</td>
<td>Greater of the two: 1 space per 40 sq. ft. of dining area or 1 space per 150 sq. ft. of gross floor area</td>
<td>1 per establishment</td>
</tr>
<tr>
<td>Restaurants (general)</td>
<td>1 per each 2½ seats</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td>Taverns, bars, night clubs</td>
<td>1 per each 2½ seats</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td>Convalescent and nursing home services</td>
<td>1 space for every 4 beds plus 1 per each employee on the largest shift</td>
<td>2 spaces per structure</td>
</tr>
<tr>
<td>Dance hall, skating rink</td>
<td>Greater of the two: 1 space per 3 seats or 1 per 100 sq. ft. of public area</td>
<td>None required</td>
</tr>
<tr>
<td>Day care</td>
<td>1 space per employee plus 1 space or loading stall per 5 persons of licensed capacity</td>
<td>None required</td>
</tr>
<tr>
<td>Educational uses, primary facilities</td>
<td>2 spaces per classroom</td>
<td>2 spaces per structure</td>
</tr>
<tr>
<td>Educational uses, secondary facilities</td>
<td>8 space per classroom plus 1 space per employee on largest shift</td>
<td>2 spaces per structure</td>
</tr>
<tr>
<td>Funeral homes, mortuaries and chapels</td>
<td>Greater of the two: 1 space per 3 seats in chapel or 1 per 50 sq. ft. of public area</td>
<td>1 space per hearse, ambulance or other non-passenger vehicle</td>
</tr>
<tr>
<td>Group care facility</td>
<td>1 space per 4 persons of licensed capacity</td>
<td>2 spaces per structure</td>
</tr>
<tr>
<td>Group home</td>
<td>1 space per 4 persons of licensed capacity</td>
<td>2 spaces per structure</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 space per 2 licensed beds</td>
<td>3 spaces per structure</td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>1 space per rental unit plus 1 for each 200 sq. ft. of public meeting area</td>
<td>1 space per establishment</td>
</tr>
<tr>
<td><strong>Housing:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted living facilities</td>
<td>0.75 space per dwelling unit</td>
<td>1 per structure</td>
</tr>
<tr>
<td>Duplex</td>
<td>2 spaces per dwelling unit</td>
<td>None required</td>
</tr>
<tr>
<td>Multi-family/apartments/condominums:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 or 2 bedroom</td>
<td>1.5 spaces per apartment</td>
<td>1 per building containing 10 dwelling units plus 1 additional space for each 20 units or major fraction thereof</td>
</tr>
<tr>
<td>3+ bedrooms</td>
<td>2.0 spaces per apartment</td>
<td></td>
</tr>
<tr>
<td>Boarding room</td>
<td>1 space per sleeping unit</td>
<td>None required</td>
</tr>
<tr>
<td>Industrial uses</td>
<td>.75 times the maximum number of employees during the largest shift</td>
<td>2 spaces per establishment</td>
</tr>
<tr>
<td>Libraries</td>
<td>1 space per 400 sq. ft. of gross floor area plus 1 space per 2 employees</td>
<td>1 per structure</td>
</tr>
<tr>
<td>Boarding houses/bed and breakfasts</td>
<td>1 space per rental units</td>
<td>None required</td>
</tr>
<tr>
<td>Medical clinics</td>
<td>5 spaces per staff doctor, dentist, chiropractor</td>
<td>None required</td>
</tr>
</tbody>
</table>
Offices and office buildings  & 1 space per 300 sq. ft. of gross floor area plus 1 space per 2 employees & None required  
Single-family residential (attached and detached)  & 2 spaces per dwelling unit and 1 may be enclosed or semi-enclosed & None required  
Roadside stands  & 4 spaces per establishment & None required  
Service oriented establishments  & 1 space per 200 sq. ft. of gross floor area & 1 per establishment  
Theaters/auditoriums/places of assembly  & 1 space per 4 persons of licensed capacity & 1 space per establishment  
Veterinary establishments  & 1 space per 500 sq. ft. per staff doctor & None required  
Wholesaling/distribution operations  & 1 space per 2 employees on the largest shift & 2 spaces per establishment  

165C.16 OFF-STREET PARKING: SHARED PARKING REQUIREMENTS.

1. Notwithstanding the provisions of Section 165C.15, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased by the Board of Adjustment.

2. Mall or multi-use parking shall be calculated using the following formula: Type B (business/office) occupancy gross square footage shall require 1 parking space per 250 square feet, + Type A (assembly - bar/restaurant) occupancy gross square footage shall require 1 parking space per every 3 persons of licensed occupancy capacity. If occupancy types are unknown, the parking spaces shall be calculated with the assumption that 80 percent of the gross floor area will be Type B, and 20 percent of the gross floor area will be Type A, and the above mentioned formula shall be calculated with those statistics.

(Ordinance 650, March 23, 2017)

165C.17 OFF-STREET PARKING: PERSONS WITH DISABILITIES.

1. In conformance with the Americans with Disabilities Act (ADA) and the Iowa Accessibility Guidelines per Chapter 661-18 of the IAC, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Source: http://www.ada.gov/adastd94.pdf

Source: http://www.ada.gov/adastd94.pdf
<table>
<thead>
<tr>
<th>Total Parking Spots</th>
<th>Required Minimum Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2 percent of the total</td>
</tr>
<tr>
<td>1,001 and over</td>
<td>20 plus 1 for each 100 over 1,000</td>
</tr>
</tbody>
</table>

2. Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.
   
   A. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated “van accessible” as required by Subsection 4 of this section. The vertical clearance at such spaces shall comply with Subsection 5 of this section. All such spaces may be grouped on one level of a parking structure.

   B. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.

   C. Parked vehicle overhangs shall not reduce the clear width of an accessible route.

   D. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.

   E. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with Subsection 6 of this section.

   F. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with this section shall be provided in accordance with Subsection 1 of this section, except as follows:
      
      (1) Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility;

      (2) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

   G. Valet parking: valet parking facilities shall provide a passenger loading zone complying with Subsection 6 of this section located on an accessible route to the entrance of the facility. Subsections 1, 2(A) and 2(C) of this section do not apply to valet parking.

3. Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

   A. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

   B. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

4. Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Paragraph 2A of this section shall have an additional sign stating the stall is “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

5. Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrances and exits. At parking spaces complying with Paragraph
2A, provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrances and exits.

6. Passenger loading zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

**165C.18 OFF-STREET PARKING DESIGN CRITERIA.**

1. Standard parking stall dimensions shall not be less than 10 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

**Parking Configuration – Standard Size Car**

<table>
<thead>
<tr>
<th></th>
<th>90-degree</th>
<th>60-degree</th>
<th>45-degree</th>
<th>0-degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aisle Width (A)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-way traffic</td>
<td>24 feet</td>
<td>18 feet</td>
<td>13 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>Two-way traffic</td>
<td>24 feet</td>
<td>18 feet</td>
<td>13 feet</td>
<td>24 feet</td>
</tr>
<tr>
<td>End Parking Bay Width (B)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Without overhang</td>
<td>18 feet</td>
<td>21 feet</td>
<td>19.8 feet</td>
<td>19 feet</td>
</tr>
<tr>
<td>With overhang</td>
<td>16 feet</td>
<td>19 feet</td>
<td>17.8 feet</td>
<td>17 feet</td>
</tr>
<tr>
<td>Center Parking Bay Width (C)</td>
<td></td>
<td>18 feet</td>
<td>16 feet</td>
<td></td>
</tr>
<tr>
<td>Island Width</td>
<td>36 feet</td>
<td>37.4 feet</td>
<td>33.2 feet</td>
<td></td>
</tr>
<tr>
<td>Stall Dimensions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Width</td>
<td>9 feet</td>
<td>9 feet</td>
<td>9 feet</td>
<td>8.5 feet</td>
</tr>
<tr>
<td>Depth</td>
<td>18 feet</td>
<td>19 feet</td>
<td>19 feet</td>
<td></td>
</tr>
</tbody>
</table>

**Parking Configuration – Compact Car**

<table>
<thead>
<tr>
<th></th>
<th>90-degree</th>
<th>60-degree</th>
<th>45-degree</th>
<th>0-degree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aisle Width (A)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-way traffic</td>
<td>24 feet</td>
<td>18 feet</td>
<td>13 feet</td>
<td>13 feet</td>
</tr>
<tr>
<td>Two-way traffic</td>
<td>24 feet</td>
<td>18 feet</td>
<td>13 feet</td>
<td>24 feet</td>
</tr>
<tr>
<td>End Parking Bay Width (B)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Without overhang</td>
<td>16 feet</td>
<td>17.8 feet</td>
<td>17 feet</td>
<td></td>
</tr>
<tr>
<td>With overhang</td>
<td>14 feet</td>
<td>15.8 feet</td>
<td>15 feet</td>
<td></td>
</tr>
<tr>
<td>Center Parking Bay Width (C)</td>
<td></td>
<td>18 feet</td>
<td>16 feet</td>
<td></td>
</tr>
<tr>
<td>Island Width</td>
<td>32 feet</td>
<td>31.7 feet</td>
<td>28.3 feet</td>
<td></td>
</tr>
<tr>
<td>Stall Dimensions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Width</td>
<td>8 feet</td>
<td>8 feet</td>
<td>8 feet</td>
<td>7.5 feet</td>
</tr>
<tr>
<td>Depth</td>
<td>16 feet</td>
<td>16 feet</td>
<td>16 feet</td>
<td></td>
</tr>
</tbody>
</table>
165C.19 SIGNS.
See Chapter 155 of this Code of Ordinances.

CHAPTER 165D
ZONING CODE – SUPPLEMENTAL REGULATIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
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<td>165D.01</td>
<td>Home Occupations and Home Based Businesses in Residential Districts</td>
</tr>
<tr>
<td>165D.02</td>
<td>Home Occupations and Home Based Businesses within the AR Districts</td>
</tr>
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<td>165D.03</td>
<td>Wireless Communication Towers</td>
</tr>
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<td>165D.04</td>
<td>Fences</td>
</tr>
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<td>165D.05</td>
<td>Performance Standards for Industrial Uses</td>
</tr>
<tr>
<td>165D.06</td>
<td>Screening</td>
</tr>
<tr>
<td>165D.07</td>
<td>Junk Yards or Salvage Yards</td>
</tr>
<tr>
<td>165D.08</td>
<td>Biofuels and Distillation Facilities</td>
</tr>
<tr>
<td>165D.09</td>
<td>Solar Panels</td>
</tr>
<tr>
<td>165D.10</td>
<td>Self-Storage Units (Mini Warehouses)</td>
</tr>
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165D.01 HOME OCCUPATIONS AND HOME BASED BUSINESSES IN RESIDENTIAL DISTRICTS.

1. **Intent.** A home occupation or home based business shall be permitted when said occupation or business is conducted on residentially used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

2. **Procedure.**

   A. **Home Occupations.** An application for a home occupation, within residentially zoned areas shall not be required by the City.

   B. **Home Based Businesses.** An application for a home based business, within residentially zoned areas shall be made to the Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

3. **Permitted Home Occupations.**

   A. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.

   B. Offices for professionals, such as (but not limited to) attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer’s representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.

   C. Child care home and/or child development home, provided the requirements of IAC 237A are met.

   D. Personal services, including barber and beauty shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.

   E. Instructional services, including music, dance, art and craft classes and tutoring.
F. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).

G. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.

H. Sale of guns and ammunition in limited quantities provided the applicant has a license to sell from the Bureau of Alcohol Tobacco and Firearms or its successor organization. This home occupation shall require a conditional use permit and public hearing as opposed to a standard permit.

I. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.


A. Medical and dental clinics, hospitals.

B. Restaurants, clubs, drinking establishments.

C. Undertaking and funeral parlors

D. Motor vehicle / small engine repair.

E. Adult entertainment uses.


A. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.

B. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.

C. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.

D. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.

E. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.

F. Additional and/or separate entrances that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.

G. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.

H. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two square feet in total surface area.

I. No retail sales are permitted from the site other than incidental sales related to services provided.

J. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

K. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

L. All businesses related to child care homes and child care centers shall be in accordance with Iowa State Statutes.

6. Permitted Home Based Businesses.

A. Workrooms for custom home furnishings work, carpentry work, and furniture repair.

B. Offices for professionals, such as (but not limited to) attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters,
photographers, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design services, surveyors, cleaning services, salespersons, and travel agents.

C. Personal services, including barber and beauty shops (limited to two chairs), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.

D. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).

E. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.

F. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

G. Child care home and/or child development home provided the requirements of IAC 237A are met.

7. Prohibited Home Based Businesses.

A. Medical and dental clinics, hospitals.

B. Restaurants, clubs, drinking establishments.

C. Undertaking and funeral parlors

D. Motor vehicle / small engine repair.

E. Adult entertainment uses.


A. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.

B. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.

C. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Sergeant Bluff.

D. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business.

E. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing accessory building.

F. Home based businesses conducted within an accessory building shall be confined to the structure of the said accessory building. In addition, the applicant must prove that the accessory building meets all life safety codes, including electrical compliance for a commercial business.

G. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrances shall be discrete and match the residential design.

H. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:

(1) Two additional spaces for the unrelated employees.

(2) Two additional spaces to be used for client/visitor parking.

(3) The additional parking required in items (1) and (2) shall not be provided in any required front, side or rear yard setback.
(4) All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height.

(5) Applicant shall not relocate parking for the residence into any front, side or rear yard setback in order to provide the additional parking.

(6) All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.

I. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two square feet in total surface area.

J. No retail sales are permitted from the site other than incidental sales related to services provided.

K. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

L. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

M. All businesses related to child care homes and child care centers shall be in accordance with Iowa State Statutes.

9. Revocation.

A. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:

(1) Any condition of the home based business permit has been violated or the home occupation has violated the performance standards.

(2) The use has become detrimental to the public health or safety or is deemed to constitute a nuisance.

(3) The permit was obtained by misrepresentation or fraud.

(4) The use for which the permit was granted has ceased or has been suspended for six consecutive months or more.

(5) The condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.

B. Appeal. Within five working days of a revocation, an appeal may be made to the Board of Adjustment. The Zoning Administrator within 10 working days of the receipt of an appeal of his or her revocation shall report his or her findings of fact and decision to the Board of Adjustment. The Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.

C. Nontransferable. A home occupation or home based business permit granted in accordance with the provisions of this chapter shall not be transferred, assigned, or used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

165D.02 HOME OCCUPATIONS AND HOME BASED BUSINESSES WITHIN THE AR DISTRICTS.

1. Intent. A home occupation or home based business shall be permitted when said occupation or business is conducted on agriculturally used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

2. Procedure.

A. Home Occupations. An application for a home occupation, within agriculturally zoned areas shall not be required by the City.

B. Home Based Businesses. An application for a home based business, within agriculturally zoned areas shall be made to the Zoning Administrator on a form provided. Said application shall be approved, provided the
performance criteria are met.


A. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.

B. Offices for professionals, such as (but not limited to) attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer’s representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design services, surveyors, cleaning services, salespersons, and travel agents.

C. Child care home and/or child development home provided the requirements of IAC 237A are met.

D. Personal services, including barber and beauty shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.

E. Instructional services, including music, dance, art and craft classes and tutoring.

F. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).

G. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), welding, and excavating services with equipment storage and maintenance.

H. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by State and federal regulations), and herbicide and pesticide sales (as allowed by State and federal regulations).

I. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.

J. Sale of guns and ammunition in limited quantities provided the applicant has a license to sell from the Bureau of Alcohol Tobacco and Firearms or its successor organization. This home occupation shall require a conditional use permit and public hearing as opposed to a standard permit.

K. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

L. Kennels, stables, veterinarian clinics/hospitals.


A. Medical clinics and hospitals.

B. Restaurants, clubs, drinking establishments.

C. Undertaking and funeral parlors.

D. Adult entertainment uses.


A. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.

B. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.

C. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.

D. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation when contained within the principal structure.
E. Home occupations may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for life safety including electrical wiring depending upon the nature of the business.

F. When a home occupation is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.

G. Home occupations focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home occupations are taking place.

H. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all State and federal regulations and shall be kept in a place that is secured, dry and locked from general access.

I. Additional and/or separate entrances that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.

J. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.

K. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two square feet in total surface area.

L. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

M. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

N. All businesses related to child care homes and child care centers shall be in accordance with Iowa State Statutes.

6. Permitted Home Based Businesses.

A. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.

B. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractor services, landscape design, surveyors, cleaning services, salespersons, and travel agents.

C. Child care home and/or child development home provided the requirements of IAC 237A are met.

D. Personal services, including barber and beauty shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.

E. Instructional services, including music, dance, art and craft classes and tutoring.

F. Repair services, including watch and clock, small appliances, computers, electronic devices, lawn mowers including engines, and motor vehicles (limited to no more than two at one time).

G. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), welding, and excavating services with equipment storage and maintenance.

H. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by State and federal regulations), and herbicide and pesticide sales (as allowed by State and federal regulations).

I. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
J. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

K. Kennels, stables, veterinarian clinics/hospitals.

7. Prohibited Home Based Businesses.

A. Medical clinics and hospitals.

B. Restaurants, clubs, drinking establishments.

C. Undertaking and funeral parlors.

D. Adult entertainment uses.


A. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.

B. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.

C. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one-time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Sergeant Bluff.

D. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business when contained within the principal structure.

E. Home based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for life safety including electrical wiring depending upon the nature of the business.

F. When a home based business is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.

G. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home based business is taking place.

H. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all State and federal regulations and shall be kept in a place that is secured, dry and locked from general access.

I. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrances shall be discrete and match the residential design.

J. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:

   (1) Two additional spaces for the unrelated employees.

   (2) Two additional spaces to be used for client/visitor parking.

   (3) The additional parking required in items (1) and (2) shall not be provided in any required front, side or rear yard setback.

   (4) All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height.

   (5) Applicant shall not relocate parking for the residence into any front, side or rear yard setback in order to provide the additional parking.

   (6) All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
K. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two square feet in total surface area.

L. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.

M. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.

N. All businesses related to child care homes and child care centers shall be in accordance with Iowa State Statutes.

9. Revocation.

A. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:

   (1) Any condition of the home based business permit has been violated or the home occupation has violated the performance standards.

   (2) The use has become detrimental to the public health or safety or is deemed to constitute a nuisance.

   (3) The permit was obtained by misrepresentation or fraud.

   (4) The use for which the permit was granted has ceased or has been suspended for six consecutive months or more.

   (5) The condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.

B. Appeal. Within five working days of a revocation, an appeal may be made to the Board of Adjustment. The Zoning Administrator within 10 working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Board of Adjustment. The Board of Adjustment shall determine the facts and may revoke, modify, or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.

C. Nontransferable. A home occupation or home based business permit granted in accordance with the provisions of this chapter shall not be transferred, assigned, or used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

165D.03 WIRELESS COMMUNICATION TOWERS.

1. Intent. The Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities, and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service, telecommunication facilities, towers, and antennas in the City, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired, and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

2. Definitions. All terms in this section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996, and the Rules and Ordinances of the Federal Communications Commission (FCC). As used in this section, the following terms shall have the following meanings:

   A. “Antenna” means a device designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
B. “Antenna support structure” means any building or structure other than a tower which can be used for location of telecommunications facilities.

C. “Applicant” means any person that applies for a tower development permit.

D. “Application” means a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever formal forum, made by an applicant to the City concerning such request.

E. “Conforming commercial earth station” means a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this Zoning Code.

F. “Engineer'' means any engineer qualified and licensed by any state or territory of the United States of America.

G. “Owner'' means any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.

H. “Person” means any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

I. “Satellite dish antenna” means an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

J. “Stealth” means any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including (but not limited to) architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

K. “Telecommunications facilities” means any cables, wires, lines, waveguides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

1. Any conforming commercial earth station antenna two meters or less in diameter which is located on real estate zoned RS150, RS80, or RG60.

2. Any satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.

L. “Tower” means a self-supporting lattice, guyed, or monopole structure, which supports telecommunications facilities. The term tower shall not include non-commercial amateur radio operator’s equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.

M. “Tower development permit” means a permit issued by the City upon approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this section. Upon issuance, a tower development permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest. The tower development permit is intended to be a conditional use permit and the subsequent process.

N. “Tower owner” means any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a tower development permit.

3. Location of Towers and Construction Standards.

A. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this Zoning Code.

B. No person shall develop, construct, modify, or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a tower development permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a tower development permit to the zoning office and shall pay a filing fee in accordance with Section 165A.35.
C. All towers, telecommunications facilities, and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this Zoning Code shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and State law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed in the Zoning Office.

4. Application to Develop a Tower. Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Office for a tower development permit and shall include the following:

A. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.

B. The legal description and address of the tract of land on which the tower is to be located.

C. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.

D. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.

E. Written technical evidence from an engineer that the proposed tower will meet any established Building Code, and all other applicable construction standards set forth by the City Council and federal and State and ANSI standards.

F. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and/or zoned property and nearest roadway, street or highway.

G. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

5. Conditional Use Permit for Towers: Procedure. After receipt of an application for a conditional use permit, the Zoning Administrator shall schedule a public hearing before the Planning and Zoning Commission, following all statutory requirements for publication and notice, to consider such application. The Planning and Zoning Commission shall receive testimony on the conditional use permit and shall make a recommendation to the City Council. Upon the completion of the Planning and Zoning Commission public hearing, the Zoning Administrator shall schedule a public hearing before the City Council, following all statutory requirements for publication and notice, to consider such application and the recommendation of the City Planning and Zoning Commission. The Planning and Zoning Commission and City Council may approve the conditional use permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and/or input received at the public hearings or deny the application.

6. Setbacks and Separation or Buffer Requirements.

A. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back an additional one foot for each one foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

B. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.

C. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by
the tower owner, by a minimum of 100 percent of the height of the tower.

D. Towers must meet the following minimum separation requirements from other towers:

(1) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.

(2) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

7. Structural Standards for Towers Adopted. The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by ordinance and set forth in this chapter.

8. Illumination and Security Fences.

A. Towers shall not be artificially lit except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses/zoned properties within a distance of 300 percent of the height of the tower, any tower subject to this section shall be equipped with dual mode lighting or a red beacon only.

B. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

9. Exterior Finish. Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning and Zoning Commission and City Council as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

10. Landscaping. All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

11. Maintenance, Repair or Modification of Existing Towers. All towers constructed or under construction on the date of approval of this Zoning Code may continue in existence as a nonconforming structure and may be maintained or repaired without complying with any of the requirements of this section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this section, including applying for and obtaining a tower development permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this Zoning Code shall be required to comply with the requirements of this section including applying for and obtaining a tower development permit. Said application shall describe and specify all items which do not comply with this section and may request, subject to final review and approval of the City Council, an exemption from compliance as a condition of the tower development permit.

12. Inspections. The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City’s Building Codes and any other construction standards set forth by the City, federal and State law or applicable ANSI standards. Inspections shall be made by either an employee of the City’s Zoning Office, Building Inspector, or a duly appointed independent representative of the City.

13. Maintenance. The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

14. Abandonment. If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the
Zoning Administrator and they shall proceed to abate said public nuisance pursuant to authority set forth in the Code of Iowa and this Code of Ordinances, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

15. Satellite Dish Antennas. Upon adoption of this Zoning Code, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Sergeant Bluff only upon compliance with the following criteria:

A. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.

B. Single-family residences may not have more than three satellite dish antenna over three feet in diameter.

C. Multiple-family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple-family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.

D. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.

E. All satellite dish antennas installed within the zoning jurisdiction of Sergeant Bluff, upon adoption of this Zoning Code, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

165D.04 FENCES.

1. No fence shall be constructed within the zoning jurisdiction of the City unless a permit therefor is approved and issued by the building inspector and is constructed in conformance with the following requirements:

A. Unless otherwise provided by this Code of Ordinances, no fence shall be built on any lot or tract outside the surveyed lot lines, or adjacent to any municipal property, excluding public streets.

B. Unless otherwise provided by this Code of Ordinances, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

C. No solid fence permitted or required by this Code of Ordinances shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 40 feet on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.

D. The finished surfaces of any fence shall face toward adjacent properties and street frontage.

E. All parts of a fence shall be completely within the boundaries of the property of the owner installing the fence.

F. Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

(1) The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches not exceeding 50 percent closed construction, or 48 inches not exceeding 25 percent closed construction.

(2) The maximum height for any fence outside of a required front yard shall be six feet unless other requirements are stated.

(3) On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet unless other requirements are stated.

(4) Fences built on residential property outside of required front or street side yards may exceed of 50 percent closed construction.

(5) Fences shall be constructed of wood, chain-link, PVC/resin manufactured fence product, stone or masonry materials only. Wood fences shall utilize standard building lumber only. Sheet-metal of any kind, livestock panels or gates, and reclaimed pallets or other reclaimed wood products are not acceptable materials for fences in any residential zone.

(Ordinance 659, dated August 3, 2017)
(6) Fences may exceed the maximum height by four inches provided they are installed to maintain landscaping material at grade.

(7) Height shall be measured from the average grade along the fence line.

G. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six feet in height may be approved by through a conditional use permit.

H. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.

I. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the IDOT, shall not exceed eight feet in height.

2. No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.

3. The use of barbed wire in the construction of any fence is prohibited except:

A. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.

B. Farm fencing constructed for agricultural purposes on parcels of land 10 acres or more in size, located in the AR District.

4. All fences shall be maintained in good repair.

5. Electric Fences. No electric fence, except for underground animal control fencing, shall be constructed or maintained within the City or within its extraterritorial zoning jurisdiction except in TA-1 District as hereinafter provided. An owner or lessee of such property may, upon application to the City and approval by the Zoning Administrator, maintain electrified fencing provided same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Zoning Administrator shall approve any electrified fencing, it shall be determined that non-electrified fencing will not adequately protect the owner’s property and the owner’s application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect said owner’s property.

6. Garden fences do not require a permit for installation and are permitted on a temporary basis; however, garden fences are not to be used as permanent fences. If deemed a nuisance, the City may require garden fences to be removed.

(Ordinance 659, dated August 3, 2017)

165D.05 PERFORMANCE STANDARDS FOR INDUSTRIAL USES.

1. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this section shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

2. Fire Hazard. No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other ordinances of the City.

3. Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.

4. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants.

   A. Air contaminants and smoke shall be less dark than designated Number One on the Ringlemann Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such an capacity as to obscure an observer’s view to a degree equal to or greater than the aforesaid shall not be permitted.

   B. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

   C. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

   D. The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Zoning Code.

   E. The gasses sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, and carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.

   F. All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands of an inch, measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.

   G. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

6. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts. The following table displays the maximum permitted sound levels that may be generated by uses in the ML or MH zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

   Maximum Permitted Sound Levels at Residential Boundaries

<table>
<thead>
<tr>
<th>Originating Zoning District</th>
<th>Time</th>
<th>Maximum One Hour Leq*</th>
</tr>
</thead>
<tbody>
<tr>
<td>ML</td>
<td>7:00 a.m. – 10:00 a.m.</td>
<td>60 dbA</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. – 7:00 a.m.</td>
<td>55 dbA</td>
</tr>
<tr>
<td>MH</td>
<td>7:00 a.m. – 10:00 p.m.</td>
<td>65 dbA</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m. – 7:00 a.m.</td>
<td>55 dbA</td>
</tr>
</tbody>
</table>

   * Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

165D.06 SCREENING.

   1. Intent. The intent of the screening requirements is to improve the appearance of lot areas; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; and to conserve the value of property and neighborhoods within the community. Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.
2. Screening Requirements.

A. All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet.

B. All commercial and industrial uses that abut residential districts shall provide screening not less than three feet in height along the abutting property lines.

C. Screening required by this section shall be equivalent to the following:

   (1) Solid fences or walls as approved by the Planning and Zoning Commission on a final development plan.

   (2) Hedges, shrubs, or evergreen trees of 36 inches in height at planting spaced appropriately to provide a solid screen within three years after planting.

   (3) Berms of not less than three feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in Subparagraph C(1) of this subsection.

   (4) All projects except one- and two-family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters.

   (5) All dumpsters or trash bins shall maintain a solid six feet tall enclosure around each unit. Said enclosure shall be constructed of materials complimentary and suitable to the primary use.

D. Junkyards (salvage yards) shall be screened with an eight-foot-high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.

E. All extractive industries shall be screened by means of plant materials, earth mounding or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.

3. Installation and Maintenance of Screening.

A. Installation. All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from vehicular encroachment. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Zoning Administrator.

B. Maintenance. The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in proper condition. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance to those items requiring replacement.

C. All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Lawn grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

4. Parking Lot Plan Approval. A final site development plan shall be submitted to the Zoning Administrator with the requisite landscaping and screening required herein for each of the following types of parking lot improvements:

A. New construction.

B. Expansion of existing facilities.

C. Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Zoning Administrator after review of submitted plans and in consideration of surrounding uses.

D. No parking lot shall be exempted from these regulations, unless previously exempted.

165D.07 JUNK YARDS OR SALVAGE YARDS.
Junk yards and salvage of materials may be allowed in identified districts, provided the following minimum conditions are met. Additional conditions may be required depending upon the operation and the proposed location.

1. Construction and operation shall comply with this Code of Ordinances and any other applicable codes or requirements.

2. Receiving areas for junk or salvage material shall be designed to avoid the depositing of junk or salvage material outside a building or outside screened (solid fence) storage areas.

3. Junk yards and salvage of materials shall contain a minimum of two acres and shall not be located within a designated 100-year floodplain area as identified by the Corps of Engineers.

4. Junk or salvage material kept outside a building or buildings shall not be located closer than 500 feet from any designated State or federal highway. Or locally designated expressway, major arterial, and other arterial as per IDOT or subsequent successor agency.

5. Junk material kept outside a building or buildings shall not be located in the required front yard.

6. Junk or salvage material kept outside a building or buildings shall be at least 100 feet from the boundaries of the ML zoning district and shall be at least 500 feet from the any residential district or use.

7. All motor vehicles shall have all fluids drained prior to placement within the facility.

165D.08 BIOFUELS AND DISTILLATION FACILITIES.

The following conditions shall be met when locating a biofuels facility within the zoning jurisdiction of Sergeant Bluff. The standards are intended to protect the health, safety, and general welfare of the residents of Sergeant Bluff.

1. Access to the facility shall be paved and connect to a hard surfaced street/road classified as an arterial.

2. If access is onto a County road or City street, the applicant must provide evidence that the paving of such highway, road or street is sufficient to carry, without damage to the roadway, the weight and size of the loads of grain and liquid and any by-product entering or leaving the facility by truck.

3. If the road or street is not capable of carrying the weight and size of the loads, then the applicant shall be required to make any necessary upgrades to the paving in order for the pavement to handle the size and weight of the loads.

4. The applicant shall be required to construct and acquire right-of-way for all turning lanes and signals necessary to handle the increase in truck traffic.

5. The facility if located adjacent to a railroad line shall have sufficient area to provide for sidings for loading and unloading raw or finished product. The sidings shall be constructed at the applicant’s expense.

6. The facility shall not be located in an area where winds and other climatic events disperse odor, steam, smoke and other discharges into the corporate limits of the City.

7. The facility shall not be located in an area where topography impairs the dispersal of steam, smoke, or other discharges from the facility.

8. Water supply wells for the facility shall not be located within the 20-year time of travel of any municipal well.

9. The facility shall be designed to recycle, in a manner compliant with all City and State rules and regulations, a minimum of 75 percent of the water used by the facility including water used for distillation.

10. All fuel storage tanks shall be located in a manner that will not allow for contamination of any groundwater or surface water.

11. Total equipment height limited to the requirements of the zoning district.

12. All fuel storage tanks shall be within an impermeable containment levy system.

13. Site plan review required.

14. Lighting must be compliant with all applicable ordinances.
15. Noise produced by facility must comply with all noise ordinances.

165D.09 SOLAR PANELS.

No solar panel shall be constructed within the residential zoning jurisdiction of the City unless a zoning certificate therefor is approved and issued by the Zoning Administrator and is constructed in conformance with the State building codes and the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

1. Lot and Height Requirements. Solar panels shall conform to the required front, side, and rear lot setback requirements except as provided herein:
   A. A solar panel which is attached to an integral part of the principal building may project two feet into the front yard; six feet into the rear yard; and two feet into the side yard.
   B. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage, nor shall the solar panel be located in the required side yard or front yard.

2. Structural Requirements. The physical structure and connections to existing structures shall conform to the applicable State building codes.

3. Plot Plan. The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

4. Permit Fees. Permit fees are required. This permit fee shall be paid prior to the issuance of the zoning permit.

5. Preexisting Solar Panels. Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of this Zoning Code, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

165D.10 SELF-STORAGE UNITS (MINI WAREHOUSES).

1. Minimum lot size of the self-storage facility shall be 15,000 square feet.

2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.

3. All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete. All driveways within the facility shall provide a hard surface with a minimum width of 25 feet.

4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

5. No storage may open into the front yards.

6. The total area covered by buildings shall not exceed 50 percent of the site.

7. The storage of hazardous, toxic, or explosive substances, including (but not limited to) hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil are prohibited.

8. Facilities must maintain landscape buffer yards of 50 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all yards shall be landscaped.

9. Site development shall include provisions for storm water management in accordance with this Code of Ordinances.

10. Height limitations shall require a maximum height of 20 feet for any structure in the facility.

165D.11 AUTO REPAIR, EQUIPMENT REPAIR, AND BODY REPAIR.
1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways. Screening is subject to provisions of Section 165D.06 of this chapter.

2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.

165D.12 AUTO WASHING FACILITIES.

1. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.

2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

165D.13 AUTOMOBILE AND EQUIPMENT RENTAL AND SALES.

1. All outdoor display areas for rental and sales facilities shall be hard surfaced.

2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25 percent of the gross floor area of the building.

165D.14 BED AND BREAKFAST HOMES.

Bed and breakfast homes shall meet the following requirements:

1. Comply with all requirements under Chapter 137 of the Code of Iowa.

2. Advertise only as a bed and breakfast home.

3. Have smoke detector in working order in each sleeping room.

4. Maintain a fire extinguisher in working order on each floor.

5. Have water tested annually by the local board of health or other approved laboratory or have sourced from a public water supply.

6. If food is served to the general public including persons who are not overnight guests, the facility must be licensed and inspected as a food service establishment under the 2005 Food Code. (A separate self-contained food preparation area is required.)

165D.15 OUTDOOR STORAGE CONTAINERS.

Outdoor storage containers are subject to the regulations outlined for accessory buildings in Section 165A.22, except as provided below:

1. Outdoor storage containers within each district shall be limited to two containers per business when located within the ML and MH Districts.

2. Containers shall be located to the rear 50 percent of the site.

   A. Containers shall not be located in any required setback or yard area, required landscape area, required drive aisle, driveway, or parking area.

   B. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to emergency, snow removal, and circulation and fire lanes.

   C. Containers shall not be stacked upon one another and shall be located an appropriate distance from all structures, in accordance with the Fire Code.

3. Storage containers should not be visible from an adjoining property or from a public or private street. Storage containers not so located may be placed on a site if the containers are adequately screened and buffered.
A. Screening shall be provided so that the outdoor storage container is not visible or is buffered from surrounding properties or public or private streets or the container shall be architecturally compatible with the primary buildings and the nature of the business.

B. Enhanced fencing, landscaping, buffering and/or architectural treatments shall be required for visible containers.

C. Buffering may include the use of decorative design features including painting, murals, etc.

4. The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and shall be painted or otherwise maintained such that they are consistent with the character of adjacent buildings, and secured at all times.

5. At no time shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the special use permit.

6. The temporary use of construction trailers or containers at a building site is exempt from this requirement.

165D.16 SOIL EXTRACTION AND QUARRIES.

It is unlawful for any owner of property to extract, mine, quarry, or remove soil for commercial purposes without the proper permits, except soil donated for use by a municipality, county, or state for public roadway purposes.

1. When soil is sold, removed, and transported to be used for public roadway purposes, it shall be the responsibility of the property owner to meet the following conditions:

A. The application shall include a grading map showing contours, proposed extraction contours, and proposed final grade contours.

B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties.

C. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land.

D. The application shall identify proposed vehicle and equipment storage areas.

E. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing facility.

F. Topsoil shall be collected and stored for redistribution on the site at termination of the operation.

G. Excavation shall be conducted in such a way as not to constitute a hazard to any persons or to the adjoining property. All cuts shall be returned to a slope of less than 3:1 as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land.

H. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public as per the City’s erosion control requirements.

I. The owner of the property shall obtain adequate insurance to cover any of the damages that may occur as a result of this operation and shall assume all liability for any damages. A copy of such insurance or other proof of such insurance shall be submitted to the Zoning Administrator’s office prior to issuing a conditional use permit.

J. To assure that all of these conditions are met by the owner, a bond contingent on the size of the operation, removal, or extraction may be required to be posted with the City.

2. Exceptions.

A. Subsection 1 does not apply to removals, extractions, and operations that remove less than 100 cubic yards from a given location.
12/10/2019

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B. Subsection 1 does not apply to owners who donate soil to a municipality, county, or state. Further, this section does not apply to sand and gravel quarries, or the commercial removal of soil not used for road purposes.

165D.17 RECREATIONAL VEHICLE PARKS.

No recreational vehicle park shall be constructed within the zoning jurisdiction of Sergeant Bluff unless a conditional use permit is approved and issued by the City and is constructed in conformance with the following requirements:

1. The tract to be used as a recreational vehicle park or campground shall not be less than two acres in area. Under no circumstances shall a manufactured home be parked in a recreational vehicle park or campground.

2. The maximum number of recreational vehicles, trailers, or camp sites shall be 15 per acre.

3. Each recreational vehicle, trailer, camp site shall be plainly marked.

4. The minimum dimensions of a recreational vehicle, trailer, or camp site shall be 25 feet wide by 40 feet long.

5. Each recreational vehicle, trailer, or camp site shall be separated from other recreational vehicle, trailer, or camp sites by at least 15 feet.

6. All recreational vehicle, trailer, or camp sites shall meet the required setbacks from roads and from the ordinary high water mark and shall be located at least 50 feet from exterior lot lines.

   A. The exterior lot line setback shall be maintained in open space, except that landscaping for the purpose of screening the park from visual views from adjacent properties.

   B. Screening at least six feet in height shall be provided between the recreational vehicle park or campground and any adjoining residential area.

7. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, provided:

   A. No one space shall be designed for direct access to a county road or highway outside the boundaries of the recreational vehicle park or campground;

   B. All interior access drives shall be at least 20 feet in width;

   C. All interior access drives and parking areas shall be hard surfaced.

8. There shall be two off-street parking spaces per each individual recreational vehicle, trailer, camp site.

9. Each pad location shall be equipped with the following:

   A. Electrical outlet.

   B. A sanitary sewer connection per IDNR requirements.

   C. A potable water connection per IDNR requirements.

10. Storm shelters shall be required and shall meet the following criteria:

    A. Shelter space equivalent to two persons per pad.

    B. Designed in conformance with National Performance Criteria for Tornado Shelters by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA.

    C. Shelters shall be sited in order to provide maximum protection to occupants and so that visitors may reach a shelter within the maximum safe time frame as directed by FEMA.

11. Other criteria that shall be met include:

    A. No more than one wheeled recreational vehicle or trailer shall be allowed on any individual pad site. In addition to these units, a tent may be erected to serve as an auxiliary shelter, but shall not be erected for more than 14 consecutive days.
B. These parks are considered as a seasonal business and site and individual recreational vehicles or trailers are considered seasonal dwelling and shall not be occupied for more than four continuous months in a 12-month period. However, a recreational vehicle or trailer may remain on site for the remaining portion of the year in a stored state.

C. Wheels and tires shall remain in the in-transit position.

D. No porches, lean-tos, or additions shall be constructed onto any of these recreational dwellings. Canvas screen rooms or awnings shall be allowed.

E. A recreational dwelling may only be skirted with lattice; solid skirting may be installed immediately adjacent to the tires.

F. A shelter unit may be located on an individual pad site provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities.

G. Identify a fire safety plan/emergency plan (approved by the local rural fire department) in the event of a man-made or natural disaster.

One permanent dwelling unit may be constructed within the recreational vehicle park and is to be used strictly by the park owner and family or the resident superintendent.

165D.18 MOBILE FOOD UNITS.

Mobile food units are allowed in specific zoning districts; however, these uses shall be required to abide by the following requirements:

1. All units shall be located on vacant lots or pad sites except in the BGC District where on-street parking may be permitted. On-street parking shall only be allowed during times of operation.

2. All units shall only operate during hours identified on the temporary permit. In no case shall a unit be open for more than one hour after the legal closing time of local bars.

3. All refuse shall be transported off-site unless an agreement with the property owner is submitted to the City identifying an alternate.

4. All units shall not be allowed to use intense lights in order to attract customers.

5. During non-operation hours, these units shall be stored on a vacant lot or in an enclosed structure.

165D.19 COUNTRY CLUBS/GOLF COURSES.

Country clubs/golf courses are allowed in specific zoning districts; however, these uses shall be required to abide by the following requirements:

1. Sleeping facilities, other than quarters for one caretaker or manager and family, are prohibited.

2. Clubs operated as restaurants, cocktail lounges, card rooms, beer taverns, bowling alleys, pool and billiard parlors, or similar activities normally carried on as a building shall be excluded from the definition of county club.

3. Nothing herein limits the method of operation of such facilities enumerated as a country club when owned or operated by a governmental agency.

165D.20 MINIMUM DESIGN STANDARDS FOR RESIDENTIAL STRUCTURES.

All structures intended for residential occupancy placed, erected, assembled, or constructed after July 1, 2017, shall meet and comply with the following minimum requirements:

1. All residential construction shall have a minimum of one thousand square feet of living area, exclusive of porches, breeze ways, basements, patios, and garages.

2. All residential homes are to be above ground and basements are required on all residential homes except that slab-on-grade or a crawl-space is allowed provided a concrete storm shelter is incorporated somewhere into the design of the primary structure.
3. All residential construction shall have a manufactured block or poured wall foundation. Wood foundations are not allowed.

4. No earthen homes shall be allowed in zones RG-20, RG-60, RS-80 and MF1. They are allowed in RS-150 and AR as a conditional use.

5. Every new residential dwelling shall have a four-foot-wide, four-inch thick continuous sidewalk extending across the front of the property and any side which a abuts a street for a corner lot. Said sidewalk shall be six inches thick across the driveway approach.

6. Residential exterior facades shall be those customarily used in residential construction. Tin or steel, similar to pole-style buildings and T1-11 are not allowed on residential homes.

(Ordinance 659, dated August 3, 2017)

CHAPTER 165E
ZONING CODE – ADMINISTRATION

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165E.01 BOARD OF ADJUSTMENT ORGANIZATION.

1. The Board of Adjustment shall consist of five members appointed by the City Council. Terms shall be as provided by the Code of Iowa. The Mayor shall have power to remove any member of the Board of Adjustment for cause upon written charges and after public hearing.

2. The meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. Such Chairperson or, in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

165E.02 APPEALS TO BOARD OF ADJUSTMENT.

1. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within 20 days of the decision by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken from.

2. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after notice of appeal shall have been filed with said official, that by reason of the facts stated in the certificate, a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a
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restraining order, which may not be granted by the Board of Adjustment, or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

3. The Board of Adjustment shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee according to the Schedule of Fees. See City of Sergeant Bluff Master Fee Schedule, which is on file in the Office of the Zoning Administrator.

165E.03 POWERS. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Administrator in the enforcement of this Zoning Code.

2. To grant a variation from the terms of this Zoning Code; provided, however, all variations granted under this clause shall be in harmony with the intent of this Zoning Code and the applicable State Statute Code of Iowa Section 414.7. In granting approval or conditional approval of a variance, the Board of Adjustment shall prepare written findings of fact that all of the conditions below apply to the application:

   A. That granting the variance shall not be contrary to the public interest.

   B. That without grant of the variance, and due to special conditions, a literal enforcement of the Zoning Code will result in unnecessary hardship. Unnecessary hardship exists when:

      (1) The land in question cannot yield a reasonable return if used only for a purpose allowed in the zone.

      (2) The plight of the owners is due to unique circumstances and not to the general conditions of the neighborhood.

      (3) The use to be authorized by the variance will not alter the essential character of the locality.

   C. The spirit of the Zoning Code shall be observed even when the variance is granted.

   D. Substantial justice shall be done as a result of granting the variance.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code and punishable under this Zoning Code. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Zoning Code in the District involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said District.

3. To permit the following exceptions to the District regulations set forth in the Zoning Code, provided all exceptions shall be their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safely, and shall not diminish or impair established property values in surrounding areas:

   A. To permit erection and use of a building or the use of premises or vary the height, yard, or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board of Adjustment determines is reasonably necessary for the public convenience or welfare.

   B. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this Zoning Code, but in no case shall such extension of the district boundary line exceed 50 feet in any direction.

4. To issue conditional use permits in accordance with Sections 165C.01 through 165C.12 of this Zoning Code and decide such matters as may be required by other sections of this Zoning Code.

165E.04 SUBMITTAL REQUIREMENTS.

An application filed in accordance with this chapter shall include the following:

1. The specific provision of this Zoning Code from which the variance is sought.
2. The justification for the variance in light of the standards set forth in this chapter.

3. How the granting of the requested variance relates to the intent and purpose of this Zoning Code and land use policies within the Comprehensive Plan.

4. Any Site Development Plan to which the proposed variance is related.

**165E.05 PROCEDURE.**

Review of an application for variance shall be conducted by the Zoning Board of Adjustment and shall be in accordance with the following:

1. Application Review. The Zoning Board of Adjustment shall review applications so submitted at its next regularly scheduled meeting following submittal. Applications must be submitted at least 14 days prior to the regularly scheduled meeting of the Board in order to be received at said meeting. Upon review of the application, the Board shall either accept the same as complete or return an incomplete application to the applicant with an explanation of the submittal requirements not met.

2. Public Hearing Required. Prior to disposition of an application for a variance, the Zoning Board of Adjustment shall hold a public hearing. Notice of the public hearing shall be by mail, in accordance with City policy and procedure. Posted notice shall also be provided in accordance City and State codes.

3. Review and Disposition.
   
   A. The Zoning Board of Adjustment shall act upon all applications for a variance in accordance with the Code of Iowa.

   B. In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards to promote the purposes and protect the integrity of this Zoning Code. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.

**165E.06 DECISIONS OF BOARD OF ADJUSTMENT.**

In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code; provided, however, that the action of the Board of Adjustment shall not become effective until after the resolution of the Board of Adjustment, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board of Adjustment's final decision, shall be filed in the office of the Board of Adjustment, and shall be open to public inspection. Every variation and exception granted or denied by the Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith. Any taxpayer, or any officer, department, board or bureau of Sergeant Bluff, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Adjustment.

**165E.07 SITE PLAN AND DEVELOPMENT REVIEW.**

The purpose of this section is to prescribe the processes and review methods required for any new site plan or proposed development within the jurisdiction of Sergeant Bluff. This section is intended to:
1. Plan for and review proposed development or redevelopment of property.
2. Provide approval procedures for all types of site plans.
3. Insure the orderly and harmonious development of property.
4. Promote the most beneficial relationship between uses of land.
5. Provide for orderly and efficient circulation of traffic within the development and throughout the City.
6. Insure that the proposed development or redevelopment is within the capacity limitations of public facilities and services.
7. Insure adequate provision for surface and subsurface drainage.
8. Provide for suitable screening of parking, truck loading, refuse disposal, and outdoor storage from adjacent property.

The City encourages all developers to schedule a pre-application meeting with the City, prior to a formal Development Review Committee meeting, in order to determine any major issues which could be critical to the future approval of an application.

**165E.08 DEVELOPMENT REVIEW COMMITTEE.**

The Development Review Committee shall consist of the following individuals:

1. City Administrator
2. City Zoning Administrator
3. Public Works Director
4. City Engineer, if necessary
5. City Attorney, if necessary
6. Any other necessary City Department heads
7. Consultants, if necessary

Any consulting fees for consultants acting on behalf of the City during the review process may be charged to the applicant. The Committee shall keep a record of all discussions throughout a process. The Development Review Committee determinations, on major site plans only, will be handled as follows: (i) be forwarded to the Planning and Zoning Commission to be considered at a public hearing; and (ii) City Council to be considered after a City Council public hearing.

**165E.09 SITE PLAN AND DEVELOPMENT REVIEW PROCEDURE.**

1. Purpose. The site plan and development review procedure provides for the administrative review and acceptance by the Planning and Zoning Commission and City Council in addition to the plan review required by other sections of this Code of Ordinances. The review process is designed to review and mitigate issues on projects having potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods.

2. Issuance of Permits.
   
   A. All site plans shall be submitted, reviewed, and approved prior to the issuance of a building/zoning permit for the development or redevelopment of any lot, tract or parcel of land in any of the zones.
   
   B. Exceptions. No site plan shall be required for the development or redevelopment of a single-family dwelling and/or any dwelling containing four units or less, in any Zoning District, or for a project that meets the following conditions:
      
      (1) The development or redevelopment does not require the provision of any additional parking spaces.
      
      (2) The development or redevelopment does not increase the rate of storm water runoff as determined by the City Public Works Department.
C. Number of Copies. An application for site development plan approval, filed in accordance with this section shall be accompanied by the following:

(1) Seven copies of minor site development plans; or

(2) Seven copies of major site development plans and one reduced copy of the major site development plan no larger than 11 inches by 17 inches.

3. Administration. The development review committee as described in Section 165E.08 shall review, evaluate, and act on all required site plans, master plans, proposed developments, and planned developments submitted pursuant to this procedure. An applicant may appeal a denial of any application to the appropriate body.

4. Major Site Development Conditions. The following selected uses or conditions shall be required to follow the site plan and development review procedures prior to the issuance of any building permit. These reviews shall be subject to a public hearing by the Planning and Zoning Commission and the City Council as shown. The following uses and conditions shall activate the site plan and development review committee process:

A. Multiple family developments with more than four dwelling units unless previously approved in a Master Plan application.

B. Any proposed Master Plan for a mixed use development.

C. New education facilities and additions greater than 10,000 square feet.

D. Any construction of commercial, office, or civic structures over 10,000 square feet in building area.

E. Any industrial use.

F. Any commercial/office development proposed near any intersection with streets considered a collector and/or arterial unless previously approved in a Master Plan application.

G. Any development within an Urban Renewal Area (TIF District).

H. Any other sites/developments deemed necessary by City staff at the time of application.

I. Assembly buildings and halls.

5. Minor Site Development Conditions.

A. Minor site development review shall only apply to developments and redevelopments not listed in Subsection 4 above or those meeting the exceptions in Subparagraph 2(B) above.

B. Minor site development review shall only include the building and zoning officials and any necessary Public Works staff.
6. Major Site Plan Review Application Process. An application for a site plan, master plan and/or development review shall be required from the applicant or the applicant’s authorized agent with the Development Review Committee. The application shall be filed with the City and shall follow the procedures below:

A. No review will be scheduled until the application is considered to be complete.

B. Once all required items are provided to the City and the Development Review Committee, the process shall commence.

C. The Development Review Committee shall review the application and make the necessary comments and recommendations; then the application and comments shall be returned to the applicant.

D. The applicant shall address the comments with solutions or provide evidence why the compliance with specific comments and requests are not feasible.

E. The Development Review Committee shall review the applicants’ replies, only after all comments and modifications have been addressed.

F. The Development Review Committee, once all issues have been resolved, shall provide a basis for supporting the decision and any basis for not supporting the decision.

7. Major Site Plan Review Application Requirements.

A. It is the intent of the City to insure that site plans be prepared with a high degree of accuracy and insure proper coordination of the site plan development and review responsibilities, which serve to facilitate compliance with the requirements of the City. To accomplish this intent, the applicant shall provide copies of a site plan, drawn to scale on a sheet not to exceed 24 inches by 36 inches, prepared by a civil engineer, a land surveyor, a landscape architect, or an architect. The site plan must be certified as substantially correct by a professional engineer, land surveyor, landscape architect, or architect, licensed by the State of Iowa.

B. The application shall include the following information:
(1) Name and address of the applicant.

(2) Owner, address, and legal description of the property.

(3) A description of the nature and operating characteristics of the proposed use.

(4) A site plan and/or Master Plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
   a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
   b. The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
   c. The location, size, and use of proposed and existing structures on the site or development.
   d. The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, ingress and egress points.
   e. The location and size of sanitary sewer mains and service lines or septic tank and leaching fields.
   f. The location and size of water mains, services lines and hydrants and/or water wells.
   g. Location and size of the proposed electrical service (electrical riser diagram) and location of high pressure gas lines and high tension transmission lines.
   h. The location and size of sidewalks, fencing, screening, landscaping, buffers and lighting.
   i. Location of any major site feature, including drainage and contours at no greater than two foot intervals.
   j. Location of waterbodies, watercourses, swamps and flood-prone areas with delineated channel encroachment lines, wetland boundary lines, 100-year floodplain boundary line, and floodway boundary line.

(5) Location of all storm drainage facilities on the property and adjacent to the property.

(6) When an application is located in a flood-prone area include existing and proposed site grades, contours or elevations, base flood elevation data, top-of-foundation elevations, finished floor elevations, and any proposed watercourse relocation.

(7) A sediment and erosion control plan meeting the requirements of the City and the State and Sediment Control.

(8) A storm water management plan meeting the requirements of the City and the State.

(9) Soils tests, traffic impact studies, utility capacity analysis, and other similar information if deemed necessary by the Development Review Committee to determine the feasibility of the proposed development.

8. Design Standards. When acting upon an application for a major site plan approval, the City Council shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary to fulfill the intent of the Zoning Ordinance, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare. These criteria and standards include:

   A. The design of the proposed development shall make adequate provisions for stormwater/sewer, sanitary sewer, water, and streets in accordance with the Iowa Statewide Urban Design and Specifications (SUDAS) and any City approved supplements to SUDAS.

   B. The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety.

   C. The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property.

   D. Natural topographic and landscape features of the site shall be incorporated into the development design.

   E. The design of interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property.
F. The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property.

G. The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement.

H. Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets.

I. The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations.

J. Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.

9. Other Approvals. In conjunction with major site development plan approvals, the applicant shall obtain and submit all other approvals, in writing, required by any other local, State or federal agency. Such prior approvals shall include as appropriate:

A. Variance from Board of Adjustment.

B. Conditional use permits from the Board of Adjustment.

C. Floodplain development permit.

D. Iowa Department of Transportation permits.

E. National Pollution Discharge Elimination System (NPDES) permits.

Any such approvals shall be duly noted on a copy of the site plan and/or building plan, as applicable. Any such plan shall include the date of approval and signature of the approving official, as applicable.


A. The Development Review Committee shall review and recommend specific criteria on the application based upon the criteria established in Subsection 4 of this section and compliance with applicable regulations found within this Zoning Code and other provisions of this Code of Ordinances.

B. The Development Review Committee, shall determine before approval of the any plan in front of the Committee:

(1) The proposed development, together with any necessary modifications, is compatible with the criteria.

(2) Any required modifications to the site plan or development plan are reasonable and are necessary to minimize potentially unfavorable effects.

(3) The plan conforms to the Zoning Code.

11. Modification of Site or Development Plan The Development Review Committee, Planning and Zoning Commission, and/or the City Council may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to:

A. Additional landscaping or screening.

B. Installation of erosion control measures.

C. Improvement of access or circulation.

D. Rearrangement of structures on the site.

E. Other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.

12. Term and Modification of Approval.
A. A site or development plan approval shall become void two years after the date of approval, unless the applicant receives a building permit and diligently carries out development prior to the expiration of this period.

B. The Development Review Committee, Planning and Zoning Commission, and City Council may approve an application to modify a previously approved site plan if they determine the modification does not negatively impact the general vicinity.

C. The City Council, after recommendation from the Development Review Committee and Planning and Zoning Commission, may revoke a site or development plan approval if they determine the development is not complying with the terms and conditions of the approval.

D. Modifications to the plan shall be required if the approved site and/or development plan or planned development changes uses.
   (1) The density of the approved application increases by 20 percent or more.
   (2) The circulation systems change from the approved configuration.
   (3) Changes to the proposed grading/drainage are made.
   (4) Proposed infrastructure (water, sanitary sewer, storm water, natural gas) are changed from the approved application.

165E.10 MINOR SITE DEVELOPMENT PLAN REVIEW PROCESS.

1. Process and Application Requirements. For all uses not listed in Section 165E.09(4) or 165E.09(2)(B), a minor site plan approval by staff or authorized designee shall be required for developments and redevelopments. Staff shall issue a certificate of compliance certifying the minor site development plan conforms with this Zoning Code. Upon receipt of such a certificate, the Building and/or Zoning Enforcement Office shall issue a building/zoning permit.

   A. Applications for a certificate of compliance shall be submitted to the Zoning Administrator.

   B. The Zoning Administrator shall prescribe the forms on which applications are made.

   C. Applications shall include:
      (1) The name and address of the applicant.
      (2) The name and address of the owner of each lot involved, and the relationship of the applicant and property owner in connection with the application.
      (3) If the applicant or property owner listed on an application for a certificate of compliance is an entity other than a natural person, the application shall also include detailed information regarding the principals of the entity.
      (4) The Zoning Administrator shall prescribe any other material that may reasonably be required to determine compliance with this Zoning Code, with sufficient copies for necessary referrals and records.
      (5) No application shall be accepted by the Zoning Administrator unless it complies with the submittal requirements.
      (6) Applications that are not complete shall be returned to the applicant, with a notation of the deficiencies in the application.
      (7) Where an engineering construction permit, building/zoning permit, or sign permit is required, applications for such permits may be made concurrently with the application for a certificate of compliance.

2. Design Standards. When acting upon an application for minor site plan approval, the Zoning Administrator shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary for fulfill the intent of the Zoning Code and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare. These criteria and standards include:

   A. The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and downstream property.

   B. The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical and other utility lines within the capacity limits of those utility lines.
C. The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety.

D. The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property.

E. Natural topographic and landscape features of the site shall be incorporated into the development design.

F. The design of interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property.

G. The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property.

H. The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement.

I. Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets.

J. The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations.

K. Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.

3. Zoning Administrator Decision. Final action by the Zoning Administrator on an application shall be based solely on findings as to compliance with all applicable provisions of this Zoning Code and shall be one of the following:

A. Approval.

B. Approval subject to conditions.

C. Denial.

The Zoning Administrator may impose such reasonable conditions on an approval as are necessary to ensure compliance with applicable regulations. Final action by the Zoning Administrator shall be taken within 30 days of the filing of an application or within such further time consented to by written notice from the applicant.

4. Applicant's Appeal of Conditions. An applicant may appeal any conditional approval to City Council upon written notice to the Zoning Administrator.

5. Other Approvals. In conjunction with minor site development plan approvals, the applicant shall obtain and submit all other approvals, in writing, required by any other local, State or federal agency. Such prior approvals may include:

A. Variance from Board of Adjustment.

B. Conditional use permit from the Board of Adjustment.

C. Floodplain development permit.

D. Iowa Department of Transportation Permits.

E. National Pollution Discharge Elimination System (NPDES) permits.

All such approvals shall be duly noted on a copy of the site plan and/or building plan, as applicable. Any such plan shall include the date of approval and signature of the approval official, as applicable.

165E.11 CRITERIA FOR SITE PLAN AND DEVELOPMENT REVIEW.

<table>
<thead>
<tr>
<th>Site Plan and Development Review</th>
<th>Criteria</th>
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<thead>
<tr>
<th>Development Density</th>
<th>Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural, artificial features, or specified buffers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height and Bulk</td>
<td>Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations and buffers.</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.</td>
</tr>
<tr>
<td>Building Coverage</td>
<td>Building coverage should be similar to that of surrounding development of possible. Higher coverage should be mitigated by landscaping, buffers or site amenities.</td>
</tr>
<tr>
<td>Frontage</td>
<td>Project frontage along a street should be similar to width.</td>
</tr>
</tbody>
</table>
| Parking and Internal Circulation | Parking should serve all structures with minimal conflicts between pedestrians and vehicles.  
All structures must be accessible to public safety vehicles.  
Development must have access to adjacent public streets and ways.  
Internal circulation should minimize conflicts and congestion at public access points.  
Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainageways should be preserved. |
| Building Design     | Architectural design and building materials should be compatible with surrounding areas or highly visible locations.  
Any required design criteria as provided in a specific zoning district shall be followed. |
| Traffic Capacity    | Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations. |
| External Traffic Effects | Project design should direct non-residential traffic away from residential areas. |
| Operating Hours     | Projects with long operating hours must minimize effects on surrounding residential areas. |
| Outside Storage     | Outside storage areas must be screened from surrounding streets and less intensive land uses. |
| Sanitary Waste Disposal | Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.  
Sanitary sewer must have adequate capacity to serve development. |
| Storm Water Management | Development should handle storm water adequately to prevent overloading of public storm water management system.  
Development should not inhibit development of other properties.  
Development should not increase probability of erosion, flooding, landslides, or other run-off related effects. |
| Utilities           | Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health. |
| Comprehensive Plan  | Projects should be consistent with the City of Sergeant Bluff’s Comprehensive Development Plan. |
### 165E.13 AMENDMENTS.

1. **Initiation of Change.** The City Council may, from time to time, amend, supplement, change, or modify the number, shape, area, or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the City Council, or by motion of the Planning and Zoning Commission, or by petition of any property owner addressed to the Planning and Zoning Commission. Petitions for change or amendment shall be on forms and filed with the Zoning Administrator.

2. **Report from Planning and Zoning Commission.** Before taking any action on any proposed amendment, supplement, or change, the Planning and Zoning Commission shall review the application and submit a recommendation to the City Council. Unless the Planning and Zoning Commission shall have transmitted its report upon the proposed changes within 60 days after submission thereof to it, the City Council shall be free to proceed to act on said changes without further awaiting the report of the Planning and Zoning Commission.

3. **Notice and Hearings.** Before submitting its recommendation on a proposed amendment to district boundaries to the City Council, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of which will be given to all property owners within 200 feet of the property concerned by placing said notice in the United States mail at least seven days before date of such hearing. Notice shall be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Zoning Code, including text and maps, may be examined. When the Planning and Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the City Council. The Planning and Zoning Commission shall hold a public hearing thereon, before submitting its report to the City Council. Notice of public hearings before the Planning and Zoning Commission shall be given by publishing the time, place and nature of the hearing at least once, not less than four or more than 20 days before the date of the hearing in a newspaper of general circulation in the City. The notice shall contain reference to the place or places and times within the City where the text, maps, plans, ordinances, amendments, or changes may be examined and shall state the location of the district affected by naming the township and section and the boundaries of the district shall be expressed in terms of streets or roads, if possible. In case the proposed amendment, supplement, or change be disapproved by the Planning and Zoning Commission, or a protest be presented duly signed by the owners of 20 percent or more of the area included in such proposed change, or of the area immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of a least three-fourths of all members of the City Council.
4. Revision by City Council. Following report from the Planning and Zoning Commission, the City Council shall hold a public hearing and may make appropriate changes or corrections in an ordinance or proposed amendment; provided, however, no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required in Subsection 3 of this section.

5. Reconsideration, One-Year Limitation. Whenever a petition requesting an amendment, supplement, or change has been denied by the City Council, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

6. Procedure for Change. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may on its own action or by petition after recommendation by the Planning and Zoning Commission, after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property now or hereafter established by this Zoning Code or amendments thereof. Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the Planning and Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning and Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Zoning Code shall likewise be submitted to the Planning and Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

A. Before submitting its recommendation on a proposed amendment to the City Council, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of which shall be given to all property owners within 200 feet of the property concerned by placing said notice in the United States mail at least seven days before date of such hearing. Notice shall also be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Zoning Code, including text and maps, may be examined. When the Planning and Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the City Council.

B. After receiving the certification of said recommendations on the proposed amendment from the Planning and Zoning Commission and before adoption of such amendment, the City Council shall hold a public hearing thereon, and notices thereof shall be published in accord with Iowa law. In addition, notices shall be sent by the United States mail as specified in this section.

C. After receiving certification of the recommendations on the proposed amendment from the Planning and Zoning Commission and after holding the public hearing provided for, the City Council shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of all the members of the City Council.

D. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within 200 feet of any part of the property proposed to be changed.

E. The failure to notify as provided in this subsection shall not invalidate any recommendation of the Planning and Zoning Commission, provided such a failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Planning and Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Planning and Zoning Commission, proposing to make a change in the Official Zoning Map or the regulations set forth in this Zoning Code.

F. Each application for an amendment, except those initiated by the Planning and Zoning Commission, shall be accompanied by a check payable to the City of Sergeant Bluff or a cash payment in accord with the Schedule of Fees: Sergeant Bluff Master Fee Schedule, which is on file in the office of the Zoning Administrator. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

G. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the City Council, then no new petition
covering the same property and/or additional property shall be filed with or considered by the City Council until one year shall have elapsed from the date of the filing of the first petition.

165E.14 COMPREHENSIVE PLAN RELATIONSHIP.

This Zoning Code is designed to implement various elements of the Comprehensive Plan as required by State statutes. Any amendment to the district ordinances or map shall conform to the Comprehensive Plan adopted by the governing body.

CHAPTER 170
SUBDIVISION REGULATIONS

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The purpose of this chapter is to provide minimum standards for the design, development, and improvement of all new subdivisions and resubdivisions of land, so that existing land uses will be protected; adequate provisions are made for public facilities and services, growth occurs in an orderly manner and is consistent with the current, approved comprehensive plan for the City; and to promote the public health, safety and welfare of the City.
170.02 ADMINISTRATION.

This chapter governs the review of subdivision plats or plats of survey for division or subdivision of all lands within the corporate limits of the City and in unincorporated territory within an area extending for two miles beyond the corporate limits, under the authority of Section 354.9(1) of the Code of Iowa. Subdivision is required in all instances where subdivision is required by Chapter 354 of the Code of Iowa. A subdivision plat is not required where land is divided by conveyance to a governmental agency for public improvements.

170.03 ENFORCEMENT.

No plat or any subdivision shall be recorded in the County Recorder’s office or have any validity until it has been approved in the manner prescribed herein. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision in streets has been approved in accordance with the provisions contained herein and the streets have been accepted by the Council as public streets. No officer, employee or agent of the City shall issue any building permit, make any water or sewer connection, or issue any permit for any water or sewer connection for any building or buildings constructed or proposed to be constructed on land divided contrary to the provisions of these regulations.

170.04 FEES.

Before a preliminary plat may be considered by the City pursuant to this chapter, the subdivider or agent shall deposit with the Clerk a fee, the amount of which is established by resolution. Such fee shall be credited to the General Fund of the City.

170.05 VARIATIONS AND EXCEPTIONS.

Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development of unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but so that at the same time, the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved. The Council may waive the requirements for the construction and installation of some or all of the improvements required in Section 170.09 in cases of resubdivisions where only the size, shape, and arrangement of the lot is being changed and no new streets are required, and in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivider and is desired by a public agency in lieu of a purchase or condemnation proceeding.

170.06 DEFINITIONS.

For use in this chapter, the following terms and words are defined.

1. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.

2. “Building lines” shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by an applicable zoning ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.

3. “City Engineer” means the licensed engineer designated by the Council to furnish engineering assistance for the administration of these regulations.

4. “Collector streets” means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

5. “Commission” means the Sergeant Bluff Planning and Zoning Commission.
6. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

7. “Easement” means a grant by the property owner of the use for a specific purpose, of a parcel of land by the general public, a corporation, or a certain person.

8. “Engineer” means a registered engineer authorized to practice civil engineering, as defined by the Registration Act of the State of Iowa.

9. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

10. “Major thoroughfare” means a street used primarily for fast, large-volume traffic.

11. “Marginal access street” means a street that is parallel to and adjacent to a major thoroughfare or highway, and which provides access to abutting properties and protection from through traffic.

12. “Minor street” means a street primarily used for access to the abutting properties.

13. “Performance bond” means a surety bond or cash deposit made to the City in an amount equal to the full cost of the improvements which are required by this chapter, such cost being estimated by the City Engineer, and the surety bond or cash deposit being legally sufficient to secure to the City that the improvements will be constructed in accordance with this chapter.

14. “Plat” means a map drawn to scale from an accurate survey and including items set forth herein, along with all certificates and statements set forth herein and in Chapter 354 of the Code of Iowa, for the purpose of recording as a subdivision of land. In appropriate context, a plat may refer to the parcel of ground represented by the plat and may be synonymous with “subdivision.” It may also be used as a verb referring to the act of preparing a plat.

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

16. “Subdivision” means a parcel of land that has been platted or divided into three (3) or more lots. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

17. “Surveyor” means a registered surveyor authorized to practice surveying, as defined by the Registration Act of the State of Iowa.

18. “Major Subdivision” shall mean all subdivisions not classified as Minor Subdivisions, including, subdivision plats of eleven (11) or more zoning lots and any size subdivision requiring any new public or private street, extension of local government facilities, to the creation of any public improvement.

19. “Minor Subdivision” shall mean subdivision plat of ten (10) zoning lots or less; where each zoning lot may be subdivided once and does not involve or require the construction of any public improvements. Minor Subdivisions may elect to use the alternate procedures for review and approval as per the requirements hereinafter set forth.

(Ord. 624 - Sep. 15 Supp.)

170.07 DESIGN STANDARDS MINIMUM.

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

170.08 COMPREHENSIVE PLAN.

All proposed plats and subdivisions shall conform to the comprehensive plan of the City.

170.09 DESIGN STANDARDS FOR STREETS.
1. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, and in similar alignment, unless variations are recommended by the Commission.

2. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead ended, an interim turnaround may be required.

3. Street Intersections. Street intersections shall be at right angles, except where topography and/or other conditions justify variation, but in no event shall any street intersection be at less than a seventy-five degree (75°) angle. The decision to vary the requirement that intersections be at right angles shall be made by the Council upon recommendation of the Commission, as provided in Section 170.05.

4. Cul-de-Sac. Streets which connect with other streets are preferred for maintenance, fire protection, and circulation, but cul-de-sacs may be permitted. Whenever a cul-de-sac is permitted, such street shall be no longer than 600 feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least 100 feet in the case of residential subdivisions. A turnaround diameter greater than 100 feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.

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

6. Sight Distances. A tangent at least 100 feet long shall be introduced between reverse curves on collector streets and major thoroughfares. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 200 feet for minor and collector streets, and of such greater radii as the Commission shall determine for major thoroughfares and in other special cases. Detailed engineering application of this standard shall conform to the current edition of the publication, “Transportation & Traffic Engineering Handbook,” published by the Institute of Traffic Engineers.

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

8. Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

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

10. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at the subdivider’s own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. No permanent structures shall be erected within the limits of any easement, but the fee owner shall have the right to make any other use of the land, subject to the easement, which is not inconsistent with the rights of the easement grantee.

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

12. Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.
13. Major Thoroughfares. Except as varied pursuant to 170.05, a new subdivision that involves frontage on a heavy trafficway, limited accessway, freeway, or parkway, shall provide motor access to such frontage by one of the following means:

A. A parallel street, supplying frontage for lots backing onto the trafficway.

B. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.

C. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.

D. A service drive or alley at the rear of the lots.

Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

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

15. Railroads. If a railroad is involved, the subdivision plan shall:

A. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.

B. Board the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use.

C. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereoneto.

16. Street Widths. Streets shall have a width and cross-section as shown in the comprehensive City plan for the type of street involved. All streets shall have a minimum pavement width of 31 feet.

(Ord. 593 - Sep. 13 Supp.)

17. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer.

170.10 DESIGN STANDARDS FOR LOTS.

1. Corner lots shall have a minimum width of seventy-five (75) feet in order to permit adequate building setbacks on both front and side streets.

2. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots.

3. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large-size lots and except when indicated by topography, lot lines shall be straight.

170.11 IMPROVEMENTS.

The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with approved specifications and under the supervision and to the satisfaction of the Council or its designee.

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

2. Curb and Gutter. Curb and gutter shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the Council and at grades established by the City Engineer.

3. Surfacing. All roadways being dedicated for public use shall be surfaced from curb to curb. Surfacing shall be Portland cement concrete and shall be constructed in accordance with designs and specifications approved by the Council at grades established by the City Engineer.
4. Sidewalks. Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the Council and at grades established by the City Engineer. Minimum sidewalk widths shall be designed in accordance with Chapter 136.08.5.A of the Code of Ordinances of the City of Sergeant Bluff, Iowa. Once a subdivision has five (5) or less lots sold, the Developer shall be responsible to construct remaining sidewalks within one (1) year.

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

170.12 PRELIMINARY PLANNING PROCEDURES.

Prior to the subdivision of any land, the subdivider or agent may discuss informally with the Commission the property proposed for subdivision, with reference to the subdivision regulations, the zoning regulations and controls, and the City’s comprehensive and major street plans. Upon request of the proposed subdivider, the Commission shall hold a planning conference. The subdivider or agent, members of the subdivision committee of the Commission, the City Engineer, and others as designated by the City Engineer shall participate in the planning conference, which shall be for purposes of facilitating subdividers’ compliance with this chapter, identifying potential problems, and making recommendations to the subdivider in advance of formal preparation of the preliminary plat.

170.13 PRELIMINARY PLAT PROCEDURES FOR MAJOR SUBDIVISIONS.

When the owner of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat any Major Subdivision of eleven (11) or more zoning lots or any size subdivision requiring any new public or private street, extension of local government facilities, to the creation of any public improvement the same, said owner shall cause to be prepared a preliminary plat of the subdivision. Upon request for a preliminary plat review, the Clerk shall provide the developer or subdivider with an application form and a preliminary plat checklist for Major Subdivisions. The preliminary plat shall be submitted to the Commission for review and recommendation to the Council for final action. The purpose of the preliminary plat review shall be to assure that: (i) the proposed subdivision complies with all City zoning and subdivision regulations and the City's current comprehensive plan; (ii) any recommendations made as a result of preapplication conference are adhered to by the developer; (iii) the Commission is provided with details concerning the proposed subdivision in order to perform the necessary review; (iv) all physical improvements related to the proposed subdivision are completed and meet standards established by the City.

170.14 PARTICIPANTS IN PRELIMINARY PLAT REVIEW.

Participants in the preliminary plat review process shall be the subdivider/developer or agent, the engineer, landscape architect, land surveyor or site planner; the Commission; the City Maintenance Supervisor; utility company representatives; City Engineer, if in the discretion of the Maintenance Supervisor the engineer's input is needed; school district representatives; fire and police department representatives; and County planning and zoning officials, if the property is in an unincorporated area of the County; property owners and contract purchasers adjacent to and within 200 feet of the proposed subdivision; and the general public.

170.15 CONTENTS OF PRELIMINARY PLAT.

The following items must be submitted to the Clerk prior to preliminary plat review.

1. Vicinity Map:
   A. Streets,
   B. Property lines,
   C. Other adjacent properties in subdivider's ownership,
   D. Significant features,
E. Scale of one inch equals five hundred feet (1 = 500) or one inch equals one thousand feet (1 = 1,000).

2. Subdivision Name and words "Preliminary Plat":
   A. Streets and names,
   B. Lots and blocks with numbering and dimensions (nearest scaled foot),
   C. Utility easements,
   D. Sewers,
   E. Drainage courses,
   F. Water mains.

3. Names, addresses and telephone numbers of:
   A. Owner,
   B. Subdivider,
   C. Engineer or surveyor.

4. Location, width, and name of existing or platted streets, highways, railroads, or other utility right-of-way, parks and other public open spaces within or adjacent to subdivision.

5. Location of boundary lines (all of which comprise a legal description).

6. Size and location of existing site features including:
   A. Contours [not greater than two (2) feet],
   B. Permanent buildings,
   C. Water courses,
   D. Trees to be preserved,
   E. Sewers (size flow and manholes),
   F. Culverts,
   G. Water lines,
   H. Gas lines,
   I. High pressure or hazardous material lines,
   J. Power lines,
   K. Easements,
   L. Streets,
   M. Other features having a bearing on the design of the subdivision or the provisions of utilities.

7. Name of adjoining subdivisions.

8. Ground elevations and proposed contours.

9. All areas subject to floods including land in floodways and flood hazard areas.

10. Location, name and width of streets, roadways, alleys, pedestrian ways and easements to be dedicated, including easements for high pressure and hazardous material pipelines.

11. Grades of proposed streets.

12. Location and closure data, total number of acres, linear feet of new streets and total number of lots.


14. Location and size of special use land dedicated to public use.
17. Abstractor’s list.
18. Filing fee, and engineering check (as established by resolution).

170.16 NUMBER OF PRELIMINARY PLATS.

The subdivider shall submit ten (10) copies of the preliminary plat, a completed application form, a list of all current property owners/contract purchasers adjacent to and within 200 feet of the proposed subdivision, and a draft for payment of all preliminary plat review fees to the Clerk. One copy of the preliminary plat submitted by the developer to the Clerk must be fourteen inches by seventeen inches (14 x 17) in size.

170.17 REQUIRED NOTICES.

Upon receipt of the material from the subdivider, the Clerk shall review the material for any deficiencies, record the payment of any fees and notify the Commission Chairperson of a request for a review of the preliminary plat. The Commission Chairperson shall review the materials submitted by the developer, determine the participants required to attend the preliminary plat review hearing and set a time and a place for the hearing.

1. Within seven (7) days of the developer’s submission of the preliminary plat to the Clerk, the Commission Chairperson shall determine a date for the preliminary plat review hearing and shall notify the Clerk of the date. The hearing date shall be no more than forty-five (45) days from the Clerk’s receipt of the preliminary plat.

2. The Clerk shall then notify all participants of the hearing date and distribute to them a copy of the plat.

3. At this time, the Clerk shall mail notices of the hearing to all affected property owners and/or contract purchasers included on the list provided by the developer. The hearing notice shall be sent by first-class mail.

4. The Clerk shall also place in a newspaper of local distribution a notice of the hearing. The hearing notice must appear in the newspaper at least fifteen (15) days prior to the preliminary plat review hearing.

170.18 PRELIMINARY PLAT REVIEW HEARING.

1. Responsibility of the Developer. It is the responsibility of the developer to exhibit and verbally present the items included in the preliminary plat checklist and provide a detailed review of the proposed subdivision at the preliminary plat review hearing.

2. Responsibility of Planning and Zoning Commission. The Commission has the responsibility of commenting and making recommendations on the preliminary plat to the Council, based on applicable zoning and subdivision regulations and the City’s current comprehensive plan. It is further the responsibility of the Commission to allow other participants, including the general public and adjacent property owners and/or contract purchasers to comment on the proposed subdivision.

3. City Maintenance Supervisor’s Responsibility. It is the responsibility of the City’s Maintenance Supervisor to provide verbal or written comment and recommendations on the proposed subdivision.

4. Responsibility of Other Review Participants. It is the responsibility of all other participants to comment and make recommendations on the proposed subdivision as appropriate and applicable. All preliminary plat review hearing participants who wish to comment on or make recommendations concerning the proposed subdivision concept shall be made either at the preliminary plat review hearing or shall be submitted in writing to the developer and the Commission within at least seven (7) days following the preliminary plat review hearing.

170.19 COMMISSION RECOMMENDATION.

Based on its review of the comments and recommendations of participants, the Commission shall take one of three actions concerning a submitted preliminary plat. These actions shall be to recommend Council approval, disapproval, or conditional approval of the preliminary plat. If conditional approval is recommended, the conditions shall be specified in writing in the recommendation to the Council. If disapproval is recommended, the specific reasons for disapproval shall be enumerated in the recommendation to the Council. The
Commission's action shall require a simple majority vote of the Commission. The recommendations of the Commission will be forwarded to the Council for action at its next regular Council meeting which is more than seven (7) days following the preliminary plat review hearing.

170.20 COUNCIL ACTION.

The Council shall consider and act upon the preliminary plat recommendation of the Commission not later than the second regular meeting which occurs more than seven (7) days following the date of the Commission’s preliminary plat review hearing.

170.21 DURATION OF APPROVAL OF PRELIMINARY PLAT.

The approval or conditional approval of a preliminary plat by the Council shall be valid for a period of one year from the date of such approval, after which such approval shall be void. The subdivider shall take no action in connection with a void preliminary plat approval of the subdivision unless the subdivider has received approval of an extension. No extension shall be approved except upon written application for extension of the preliminary plat approval. The extension shall be made by resolution.

170.22 AUTHORIZATION TO INSTALL IMPROVEMENTS.

Approval of the preliminary plat by the Council shall constitute authorization by the City for the installation of improvements as required by this chapter and as shown on the preliminary plat, subject to any conditions to the approval specified in writing by the Council. However, no such improvements shall be constructed or installed until and unless the plans, profiles, cross-sections, and specifications for the construction of such improvement have been submitted, in writing, to the City’s Maintenance Supervisor and City Engineer, and have been approved in writing by such officials.

170.23 FINAL PLAT PROCEDURES.

1. The subdivider shall, within one year from the date of approval or conditional approval of the preliminary plat, unless such time period has been extended as provided in Section 170.21, prepare the final plat of the proposed subdivision for review and action.

2. Upon completion of the improvements, the developer shall contact the Clerk and request a Council hearing to review the final plat. The Clerk shall provide the developer with an application form and a final plat checklist.

3. Participants in the final plat review process shall be the subdivider/developer or agents, engineer, landscape architect, land surveyor, or site planner; the Council, the Maintenance Supervisor; the City Engineer, if the Maintenance Supervisor or Council determines the engineer’s participation to be necessary; a representative of the City’s drainage district; representatives of the County zoning commission, if the plat covers land in unincorporated areas of the County; and other interested parties as requested by the Council.

170.24 REQUIREMENTS OF FINAL PLAT.

The following items shall be listed on the final plat checklist provided by the Clerk and are required to be included in and shown on the final plat.

1. Form of final plat shall be a permanent copy or photographic print on a stable plastic film of good quality.

2. Size of final plat shall be 22.5 x 24.5.

3. Requirements of final plat.

4. Lot lines, dimensions and numbering of lots and blocks.

5. Building lines.

6. All easements with dimensions and purpose including high pressure and hazardous material pipelines.

7. All dimensions, linear, angular and curve data.

8. Latitudes and departure computations, perimeter and blocks (1:10,000).

9. Description and elevation of all bench marks (U.S.G.S.).
10. Description and location of all permanent monuments set.

11. Names of adjacent plats (dotted lettering) and adjacent streets (dashed lines).

12. Legal description.


14. Engineer’s certificate and seal.

15. Required certificates and resolution:
   A. Surveyor
   B. City Engineer
   C. Commission
   D. Council

16. Fill and flood hazard addenda, if applicable.

170.25 REQUIRED ATTACHMENTS AND ACCOMPANIMENTS TO THE FINAL PLAT.

In addition to the above-listed items which must be shown on the final plat, the following must be attached to and accompany any final plat submitted to the Clerk:

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.

2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

3. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

4. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

5. The encumbrance bond, if any.

6. A statement of restrictions of all types that run with the land to become covenants in the deeds of lots.

7. A certificate by the Maintenance Supervisor and/or City Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in substantial compliance with the approved preliminary plat. Prior to such certification, as-built plans for all improvements shall have been provided to the Maintenance Supervisor and/or City Engineer. In lieu thereof, the Clerk may certify that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the developer or future property owners in the subdivision.

8. Where the improvements have been installed, a resolution accepting and approving such improvements, along with the maintenance bond required by this chapter.

9. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or
reconstruction of any improvement to meet City standards, and the assessment of all cost to the property owners in the event of annexation and dedication and acceptance, shall be required.

10. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

11. The applicable fee, if any.

170.26 REQUIRED SUBMISSIONS OF FINAL PLAT.
The subdivider shall submit to the Clerk the following items:

1. Ten (10) copies of the final plat, completed application form and attachments, as described in Sections 170.24 and 170.25.

2. Request for a final review of the final plat.

3. At least one copy of the final plat which is fourteen inches by seventeen inches (14 x 17) in size.

4. Payment of fees for the final plat review.

170.27 FINAL PLAT REVIEW HEARING.

1. Upon receipt of the above-required materials, the Clerk shall review the materials for any deficiencies, record the payment of any required fee(s) and notify the Council of a request to review the final plat. The Clerk shall then set a review date, which shall not be less than seven (7) days after all participants have received copies of the final plat and attachments. Upon establishing the review date, the Clerk shall notify all participants and forward to them a copy of the final plat. The Clerk shall retain one copy of the final plat for public hearing.

2. At the final plat review hearing it shall be the responsibility of the subdivider to display and verbally present the items enumerated in the final plat checklist and provide proof that required site improvements have been completed and/or performance bonds have been posted with the City assuring their completion as provided in Section 170.30.

3. It is the responsibility of the Maintenance Supervisor to report to the Council on the inspection of the subdivision’s site improvements and any comments or recommendations the Maintenance Supervisor may have regarding the final plat.

4. It is the responsibility of the Council to review and act upon the final plat.

5. It is the responsibility of any other participants to review and make comments on the final plat as applicable.

170.28 ACCEPTANCE OF IMPROVEMENTS.

Before the Council approves the final plat, all of the required improvements shall be constructed to conform to the design standards of this chapter and shall be accepted by formal resolution of the Council. Such resolution shall be preceded by a report of the City Engineer that the improvements meet all City specifications and ordinances or other requirements, and that the improvements comply with all agreements between the subdivider and the City. This requirement may be waived if the subdivider posts a performance bond or provides cash security as provided in Section 170.30.

170.29 COUNCIL ACTION ON FINAL PLAT.
The Council shall consider the final plat along with a report of the Commission and the report of the City Engineer. If the Council finds that the plat has been prepared in compliance with these regulations and that all improvements are in place and/or bonded for as provided in Section 170.30, the Council shall approve the final plat. In the event that the plat has been prepared and the improvements made in substantial compliance with the comprehensive plan, the final plat shall be conditionally approved. In the event of disapproval or conditional approval, the record shall show the specific points upon which the final plat varies from the regulations and/or the specific conditions of a conditional approval. If the Council finds that the final plat has not been prepared in compliance with these regulations and the improvements have not been completed or bonded for as provided in this section, the Council shall disapprove the final plat.
170.30 PERFORMANCE BOND.

1. The Council may, in its discretion, waive the requirement that the developer complete and dedicate all public improvements prior to approval of the final plat, and if it does so waive the requirements, shall require the subdivider to post a bond at the time of application for final plat review in an amount estimated by the City Engineer as sufficient to secure to the City the satisfactory installation and dedication of all or any part of the required improvements.

2. Such bond shall insure to the City that improvements will be completed by the subdivider within one year after approval of the final plat.

3. The submitted performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in this chapter. The period within which required improvements must be completed shall be specified by the Council and that body’s action approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two years from the date of final plat approval.

4. The developer shall build and pay for all costs of temporary improvements required by the Council and shall maintain the same for the period specified by the Council. Prior to the construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facility/improvements, which bond shall insure that the temporary facility/improvements will be properly constructed, maintained and removed.

5. All required improvements shall be made by the developer at the developer’s expense, without reimbursement by the City or any improvement district therein. Where a performance bond has been posted and required improvements have not been installed within the terms of the performance bond, the City may thereupon declare the bond to be in default and require that all improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

170.31 ACCEPTANCE OF DEDICATIONS; RELEASE OR REDUCTION OF PERFORMANCE BOND.

1. Acceptance of dedication of streets, public areas, easements, and parks shall be by resolution of the Council.

2. The approval by the Commission of the subdivision plat shall not be deemed to constitute or imply the acceptance by the City of any streets, easements, or parks shown on the plat. The Commission may require the plat to be endorsed with appropriate notes to this effect.

3. The Council will not accept dedication of required improvements, nor release or reduce the performance bond, until the City’s Maintenance Supervisor and/or City Engineer have submitted a report stating that all required improvements have been satisfactorily completed, and until the developer has certified, through submission of detailed as-built survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the City Engineer, that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision and that the improvements are ready for dedication to the City and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Council shall thereafter accept the improvements for dedication in accordance with the established procedure and shall release the performance bond.

4. Failure of the Council to take action on the bond immediately shall not bar it from taking appropriate action within a reasonable time.

170.32 MINOR SUBDIVISION ALTERNATIVE.

In lieu of a Major Subdivision (Preliminary and Final Plats), a land owner, developer, subdivider or proprietor may be allowed to utilize a "Minor Subdivision" procedure provided the request applies to a subdivision plat of ten (10) zoning lots or less; where each zoning lot may be subdivided once and does not involve or require the construction of any public improvements. This section is intended to waive certain subdivision requirements in the code and permit the expeditious and economical processing of Minor Subdivisions as defined herein, whose impacts upon other properties are nominal.

170.33 MINOR SUBDIVISION PROCEDURE.
A person who desires to utilize the provisions of this section shall file the submittals described in Section 170.34 below with the City Administrator. The filing shall be deemed made when the City Administrator refers the completed application to the Commission.

1. Planning and Zoning Commission. The Commission shall first determine whether the application qualifies for processing under this section and summarily deny any application which does not. Qualifying applications for Minor Subdivisions shall be set for public hearing with notice given and the public hearing conducted. At the conclusion of the public hearing on Minor Subdivision application, the Commission shall make its recommendation on the application to the City Council.

2. City Council. Not later than at its first regularly scheduled meeting following receipt of the Commission's recommendations, the City Council shall review the application and act thereon. Applicant response to any conditions of approval imposed by the City Council shall be made before any action of the City Council becomes the final order of the City.

170.34 MINOR SUBDIVISION SUBMITTALS.

Required submittals include the following:

1. A written application specifying that a Minor Subdivision Request is sought. The application shall include:
   A. The overall density proposed.
   B. The total number of dwelling units proposed.
   C. The estimated total number of square feet on residential floor space proposed.
   D. The approximate date when construction of the project is proposed to begin, number of dwellings and unit mix for each phase, and the general time span of the entire development.
   E. The stages in which the project will be built and the approximate date when construction of each stage is proposed to begin.

2. Eight (8) copies of a location map showing the site involved in the request in relationship to existing features, such as structures, fences, streams, public or private rights-of-way and streets, street intersections, zoning districts, and other significant topographical, structural, and residential features within two hundred (200) feet of the site.

3. Eight (8) copies of the proposed site plan meeting the requirements as provided herein:
   A. The name of the subdivision.
   B. General layout of all proposed lots.
   C. The respective net densities and total dwelling units of each land use.
   D. Lettering or numbering of blocks and numbering of lots.
   E. The dimensions of all lots shall be given to the nearest foot (these may be scaled values).
   F. Proposed utilities and proposed tie-ins to existing utilities.
   G. Illustrations of the proposed architectural style of all structures.
   H. All maps and plans included with the application shall be drawn at the scale of one (1) inch equals fifty (50) feet. A professional quality map or plan shall be made in every detail. A poorly drawn or illegible map or plan is sufficient cause for its rejection. The prints of the maps and plans shall be black on white or blue on white; reproductions shall be clean and crisp.
   I. The name and address of the subdivider, the designer of the subdivision, the engineer and surveyor. Both the engineer and surveyor shall be licensed by the State of Iowa Board of Registration for Professional Engineers and Land Surveyors.
   J. Evidence of title, consisting of an attorney title opinion dated within 30 days of the date of application submittal. Such evidence must show all current mortgages and deeds of trust, liens and other encumbrances against the property.
K. Applicants for a Minor Subdivision shall list the names and addresses of all owners within two hundred (200) feet of any boundary line designated in the application.

L. The list shall include both the legal description of the property by lot and block number or other legal description and by mailing address of the property owner. The subdivider shall submit one set of $9 \frac{1}{2} \times 4 \frac{1}{4}$ envelopes addressed to each of the owners of the property identified in Subsection K above.

M. No Minor Subdivision shall cause or continue any nonconforming lot as defined for zoning purposes unless a variance therefore is first approved by the Board of Adjustment.

N. A non-refundable filing fee of one hundred fifty dollars ($150.00) to cover the costs of publication and notification of interested parties shall be submitted with the written "Minor Subdivision Request."

170.35 MINOR SUBDIVISION PUBLIC HEARING BEFORE THE COMMISSION.

When a Minor Subdivision Request and Application has been officially accepted by the Commission, the following actions shall be taken:

1. Setting Date of Hearing. The Chairperson of the Commission shall schedule a public hearing to be held by the Commission.

2. Notice of Hearing. Notice of the hearing before the Commission shall be given to all interested parties in the following manner:

   A. Publication. Notice of the date and time of the hearing, the property affected (by legal description and address), the action requested, and the name of the subdivider shall be published once in a paper of general circulation with the City not less than four (4) nor more than twenty (20) days prior to the date of the hearing.

   B. Mailing Notice. Notice of the date and time of the hearing, the property affected (by legal description and address), the action requested, and the name of the subdivider shall be mailed by certified mail, return receipt requested, to each owner of property located within two hundred (200) feet of the property in the proposed minor subdivision.

   C. Material available for public review. A copy of the submittal and supporting material filed with the Commission shall be available for public viewing at City Hall during normal business hours.

3. Conduct and Close of Public Hearing. At the public hearing, the Commission shall receive documentary evidence and all for presentation of testimony and comments from the public. At the conclusion of the same, the Commission shall close the hearing and adjourn to their business meeting for discussion and formulating the decision on the proposal.

170.36 MINOR SUBDIVISION DELIBERATIONS, FINDINGS OF FACT AND RECOMMENDATIONS OF THE COMMISSION.

Immediately following the close of the hearing and adjournment to the business meeting, the Commission shall discuss the merits of the proposal in open meeting and cause to be prepared a written finding of fact and recommendation to the City Council. In reviewing Minor Subdivision Requests and Applications that have been submitted to it, the Commission shall not only insure that the intent and requirements of this chapter are followed, but it shall also determine the extent to which the goals and policies embodied in the Comprehensive Plan are met. Within five (5) working days after the public hearing on the Minor Subdivision Application, the Commission shall send written notification to the City Council and the subdivider of its recommendation, whether approval, or approval with conditions, or postponement of action pending receipt of additional material or documentation for further review, or denial for cause. The written recommendation shall be forwarded to the City Council and the subdivider.

1. Approval. The Commission may recommend approval of the Request and Application as presented.

2. Approval with Conditions. The Commission may recommend approval of the Minor Subdivision Request and Application with conditions to be imposed by the City Council which will more fully meet the purposes of these regulations.

3. Postponement of Action. The Commission may recommend that action on the Minor Subdivision Request and Application be postponed to a date certain, pending receipt of additional material or documentation for further review. Postponement of action to a date certain shall not require additional public notice.
4. Denial for Cause. A recommendation of denial of a Minor Subdivision Request and Application shall contain the specific reasons for denial.

170.37 COUNCIL ACTION ON MINOR SUBDIVISION.

The Council shall consider the Minor Subdivision Request and Application not later than at its first regularly scheduled meeting following receipt of the Commission’s recommendations. The City Council shall review the Minor Subdivision Request and Application and act thereon to approve if the Council finds that the Minor Subdivision Request and Application has been prepared in compliance with the Comprehensive Plan and these regulations as may be modified by any conditions for approval imposed by the City Council. In the event that the Minor Subdivision Request and Application is disapproved or given conditional approval, the record shall show the specific points upon which the Request and Application varies from the regulations and/or the specific conditions of a conditional approval.

(Appendix)

APPENDIX

USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. OFFICIAL COPY.

The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. DISTRIBUTION.

Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. SALE.

The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. RECORD OF DISTRIBUTION.

The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

(Code of Iowa, Sec. 372.13[4])

NUMBERING OF ORDINANCES

AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.
SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as follows:

ORDINANCE NO. ___

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SERGEANT BLUFF, IOWA, BY ADDING A NEW SECTION LIMITING PARKING TO THIRTY MINUTES ON A PORTION OF SOUTH BOONE STREET

BE IT ENACTED by the City Council of the City of Sergeant Bluff, Iowa:

SECTION 1. NEW SECTION.

The Code of Ordinances of the City of Sergeant Bluff, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO THIRTY MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO THIRTY MINUTES.

It is unlawful to park any vehicle for a continuous period of more than thirty (30) minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

1. South Boone Street, on the west side, from Forest Avenue to Mason Drive.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE.

This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of _________________, 20___, and approved this ___ day of _________________, 20__.
DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS as follows:

ORDINANCE NO. ___

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SERGEANT BLUFF, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON LAKE BOULEVARD

BE IT ENACTED by the City Council of the City of Sergeant Bluff, Iowa:

SECTION 1. SUBSECTION REPEALED.

The Code of Ordinances of the City of Sergeant Bluff, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on Lake Boulevard to stop at Second Place North.

SECTION 2. SEVERABILITY CLAUSE.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE.

This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of _________________, 20___, and approved this ___ day of _________________, 20___.

Mayor
ATTEST:

______________________________
City Clerk

First Reading: _____________________
Second Reading: ___________________
MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed as follows:

ORDINANCE NO. ___

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SERGEANT BLUFF, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Sergeant Bluff, Iowa:

SECTION 1. SECTION MODIFIED.

Section 99.02 of the Code of Ordinances of the City of Sergeant Bluff, Iowa, is repealed and the following adopted in lieu thereof:

99.02 RATE.

Each customer shall pay sewer service charges in the amount of 100 percent (100%) of the bill for water and water service attributable to the customer for the property served, but in no event less than ten dollars ($10.00) per month.

SECTION 2. SEVERABILITY CLAUSE.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE.

This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of _____________, 20___, and approved this ___ day of _____________, 20___.

__________________________
Mayor

ATTEST:

__________________________
City Clerk

First Reading: ________________
Second Reading: ________________
Third Reading: ________________

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _________________, 20___.

__________________________
ORDINANCES NOT CONTAINED IN THE CODE OF ORDINANCES

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ___

AN ORDINANCE VACATING THE ALLEY LYING IN BLOCK TWO (2) RAILROAD ADDITION TO SERGEANT BLUFF, IOWA

Be It Enacted by the City Council of the City of Sergeant Bluff, Iowa:

SECTION 1. The alley lying in Block Two (2), Railroad Addition to Sergeant Bluff, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of ______________________, 20___, and approved this ___ day of ______________________, 20___.

________________________

Mayor

ATTEST:

________________________

City Clerk

First Reading: ______________________

Second Reading: ______________________

Third Reading: ______________________

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of ______________________, 20___.

________________________

City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

SUGGESTED FORMS
FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: ________________________________

City of Sergeant Bluff, Iowa

By: ________________________________
(enforcement officer)

NOTICE OF HEARING ON DANGEROUS BUILDING

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of Sergeant Bluff, Iowa, will meet on the ___ day of ___, 20___, at ___ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as ________________________, constitutes a nuisance pursuant to Chapter ___ of the Code of Ordinances of Sergeant Bluff, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: ________________________________

City of Sergeant Bluff, Iowa

By: ________________________________
(enforcement officer)
RESOLUTION AND ORDER
REGARDING DANGEROUS BUILDING

BE IT RESOLVED, by the City Council of the City of Sergeant Bluff, Iowa:

WHEREAS, notice has heretofore been served on the ___ day of ______________, 20___, on (property owner’s name), through (agent’s name or “none”), agent, to abate the nuisance existing at (legal description and address) within ___ days from service of said notice upon the said (name of owner or agent);

and

(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council;

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate;

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ___ days after the service of this Order upon said owner or agent; and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above; and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner’s name) at (address), as the law shall provide.

Moved by __________________ to adopt.

Adopted this ___ day of ______________, 20___.

______________________________
Mayor

ATTEST:

______________________________
City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).
You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: ________________________

City of Sergeant Bluff, Iowa

By: ________________________________

(designate officer initiating notice)

NOTICE

REQUIRED SEWER CONNECTION

TO: ________________________________

(Name)

_______________________________

(Street Address)

_______________________________, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within _______ (____) days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

Description of Property

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

The nearest public sewer line within ________________ (___) feet of the above described property is located

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.
Notice of Hearing

Required Sewer Connection

To: ____________________________

(Name)

______________________________

(Street Address)

______________________________, Iowa

You are hereby notified that the City Council of Sergeant Bluff, Iowa, will meet on the __ day of ________________________, 20__, at _______ m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

Description of Property

________________________________________

________________________________________

________________________________________

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: ________________________

City of Sergeant Bluff, Iowa

By: ________________________________

(Name) (Title)

Resolution and Order

Required Sewer Connection

Be it resolved, by the City Council of the City of Sergeant Bluff, Iowa:
WHEREAS, notice has heretofore been served on the ___ day of ________, 20___, on
(Name of Property Owner)
through __________________________, Agent, (Agent’s Name or “None”)
to make connection of the property described as

____________________________________________________
____________________________________________________
____________________________________________________

within _____ (____) days from service of notice upon said owner or agent; and

(EITHER)
WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and
evidence produced and considered by the City Council;

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)
WHEREAS, the said owner or agent named above has failed to make such required connection within the
time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has
failed to file a written request for hearing after being properly served by a notice to make such connection or
request a hearing thereon;

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent,

(Name of Owner or Agent)
is hereby directed and ordered to make such required connection within _____ days after the service of this
ORDER upon said owner or agent; and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this
ORDER upon said property owner or agent named above; and

BE IT FURTHER RESOLVED, that in the event the owner, or agent,

(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such
connection and the cost thereof will be assessed against the property and/or owner

____________________________________________________
(Owner’s Name)
____________________________________________________, as provided by law.

(Address)
Moved by ________________ to adopt.

Seconded by __________________________.

AYES: _______________________

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