

ZONING AND SUBDIVISION

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CHAPTER 165

ZONING REGULATIONS

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

165.02 DEFINITIONS. 9The following terms or words used herein shall be interpreted as follows:

1. "Accessory use or structure" means a use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.
2. "Adult uses" includes adult amusement or entertainment, adult book store or gift shop, adult hotel or motel, adult photo studio, adult theater and massage parlor.
 - A. "Adult amusement or entertainment" means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, including, but not limited to topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
 - B. "Adult book store or gift shop" means an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.
 - C. "Adult hotel or motel" means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by the individuals therein.
 - D. "Adult photo studio" means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas" or "specified sexual activities," as defined herein.
 - E. "Adult theater" means a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material

depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons herein.

F. “Massage parlor” means any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician’s direction, physical therapist, chiropodist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a license physician and operate only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bath houses. The term shall not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

G. “Specified anatomical areas” means less than completely and opaquely covered human genitals, pubic region, buttocks; and female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state - even if completely and opaquely covered.

H. “Specified sexual activities” means patently offensive acts, exhibitions, representations, depictions, or descriptions of:

- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
 - (3) Intrusion, however slight, actual or simulated, by any object, any part of an animal’s body, or any part of a person’s body into the genital or anal openings of any person’s body;
 - (4) Cunnilingus, fellatio, analingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;
 - (5) Flagellation, mutilation or torture, actual or simulated, in a sexual context.
3. “Alley” means a public way, other than a street, twenty (20) feet or less in width, affording a secondary means of access to abutting property.
4. “Apartment” means a room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.
5. “Basement” means a story having part but not more than one-half (1/2) its height below grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
6. “Board” means the Board of Adjustment.
7. “Boarding house” means a building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
8. “Building” means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards.
9. “Building, height of” means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. On a corner lot, the height is the mean vertical distance from the average natural grade at the building line, from the higher of the two (2) grades.
10. “Bulk stations” means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
11. “Cellar” means that portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
12. “Commission” means the Planning and Zoning Commission of the City.

13. "District" means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
14. "Dwelling" means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or trailer coach.
15. "Dwelling, single-family" means a building designed for or occupied exclusively for residence purposes by one family.
16. "Dwelling, two-family" (duplex) means a building designed for or occupied exclusively by two (2) families with separate housekeeping and cooking facilities for each.
17. "Dwelling, multiple" means a building or portion thereof designed for or occupied by more than two (2) families with separate housekeeping and cooking facilities for each.
18. "Family" means one or more persons occupying a single housekeeping unit and using common cooking facilities.
19. "Garage, private" means an accessory building, or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building, except that a one- or two- car capacity garage may be rented for the private vehicles of persons not residents on the premises.
20. "Garage, public" means any building or premises, other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
21. "Grade" means the average elevation of the finished ground at the exterior walls of the main building.
22. "Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.
23. "Junk yard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled, or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded, or salvaged materials as part of manufacturing operations.
24. "Lodging house" means a building where lodging only is provided for compensation for four (4) or more persons.
25. "Lot," 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 a dedicated or private street, and may consist of:
 - A. A single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record, 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 not meet the requirements of this chapter.
26. "Lot measurement" terms are as follows:
 - A. "Depth" is the mean horizontal distance between the front and rear lot lines.
 - B. "Width" is considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.
27. "Lot of Record" means a lot which is part of a subdivision, the deed of which is recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
28. "Lot Types". Lot types are as follows:
 - A. "Corner lot" means a lot located at the intersection of two (2) or more streets.

- B. "Double frontage lot" means a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two (2) non-intersecting streets may be referred to as "through lots."
- C. "Interior lot" means a lot other than a corner lot with only one frontage on a street other than an alley.
- D. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
29. "Mobile home" means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" includes "camp car" and "house car."
30. "Mobile home park" means any lot or portion of a lot upon which two (2) or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
31. "Motel, motor lodge" means a building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with garage attached or parking facilities conveniently located to each such unit.
32. "Nonconforming use" means use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.
33. "Nursing or convalescent home" means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.
- 33A. "Overlay District" means a district which overlays and acts in conjunction with the underlying zoning of the property.
(Ord. 1502, passed 3-10-2015)
34. "Parking space" means an area of not less than two hundred fifty (250) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.
35. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.
36. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.
37. "Street" means a public or private thoroughfare which affords the principal means of access to abutting property.
38. "Street line" means a dividing line between a lot, tract, or parcel of land and a contiguous street.
39. "Structural alterations" means any replacement or changes in the type of construction or in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
40. "Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards, and poster panels.
41. "Tourist home" means a residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.
42. "Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

43. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot is the front yard.

44. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots, the rear yard is the opposite end of the lot from the front yard.

45. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP. For the purpose of this chapter, the following districts are hereby established within the City as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter.

- R-1 Single-Family Residence District
- R-2 One-Family and Two-Family Residence District
- R-3 Multiple Family Dwellings
- C-1 Commercial District
- C-2 Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- WW Waste Water Treatment Facility Waiver of Separation Overlay District

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk under the following words:

"This is to certify that this is the Official Zoning Map referred to in Section _ of Ordinance Number ___ of the City of Pleasantville, Iowa, adopted on this ____ day of _____, ____."

If, in accordance with the provisions of this chapter and Chapter 414 of the Code of Iowa, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the Council. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the City. In cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, the Council may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Clerk, under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____ of the City of Pleasantville, Iowa."

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

(Ord. 1502, passed 3-10-2015)

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

1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - A. To exceed the height;
 - B. To accommodate or house a greater number of families;
 - C. To occupy a greater percentage of lot area;
 - D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;than herein required; or in any other manner contrary to the provisions of this chapter.
3. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of the Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements established by this chapter.

165.05 NONCONFORMING LOTS, USES OF LAND, AND USES OF STRUCTURES AND PREMISES.

1. Intent. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Zoning Ordinance and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except, where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.
2. Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the Zoning Ordinance. 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.
3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of the Zoning Ordinance, lawful use of land exists that is made no longer permissible under the terms of the Zoning Ordinance as enacted or amended, such use may be continued 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 of the Zoning Ordinance.
 - 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 the Zoning Ordinance.

- C. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. Nonconforming Use 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 the Zoning Ordinance that would not be allowed in the district under the terms of this chapter, the lawful use may be continued subject to the following provisions:
- A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- 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 the Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, a nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or of a more restricted classification.
- D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two (2) years, 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.
- E. Any nonconforming building or structure damaged more than sixty percent (60%) of its then fair market value, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but, if less than 60% damaged above the foundation, it may be restored, reconstructed or used as before, provided that reconstruction shall be started within six (6) months of such happening and be built of like or similar materials.
5. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building, as it existed at the time of passage or amendment of this chapter, shall not be increased. Nothing in this chapter 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.
6. Special Permit Uses. Any use for which a special exception is permitted as provided in Section 14 of this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use.

165.06 GENERAL REGULATIONS.

1. Visibility at Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersection or right-of-way lines.
2. Fences, Walls and Hedges. Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the side or front edge of any front yard shall be over four (4) feet in height.
3. Street Frontage Required. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20)

feet wide to a street; and there shall be not more than one single-family dwelling for such frontage or easement.

4. Accessory Buildings. No accessory buildings shall be erected in any required court or in any yard other than a rear yard, except as provided herein. Accessory buildings shall be distant at least five (5) feet from a rear lot line and any other separate building on the lot, and two (2) feet from side lot lines, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than nine hundred (900) square feet of thirty percent (30%) of the rear yard, whichever is less; and shall not exceed sixteen (16) feet in height with ten (10) feet sidewalls. However, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage on a minimum rear yard. All accessory buildings shall meet the minimum standards set out in subparagraph 10.D. of this section entitled "Residential Dwelling Standards".

5. Corner Lots. For corner lots, platted after the effective date of the Zoning Ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street. On corner lots platted and of record at the time of the effective date of the Zoning Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersection street. In this case, there shall be side yard on the longer street side of the corner lot of not less than fifty percent (50%) of the setback required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further, this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of the Zoning Ordinance, to less than twenty-eight (28) feet or to prohibit the erection of an accessory building.

6. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

7. Front Yard - Exceptions. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this chapter or where some lots have been developed with a front yard greater than required by this chapter, the following rule shall apply. Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of two hundred (200) feet measured from building to building, except as follows:

- A. Buildings located entirely on the rear half of a lot shall not be counted.
- B. No building shall be required to have a front yard greater than fifty (50) feet.
- C. If no building exists on one side of a lot within two hundred (200) feet of the lot in question, the minimum front yard shall be the same as the building on the other side.

8. Adult Uses. Adult uses in residential districts, commercial districts, or industrial districts which are immediately adjacent to and which serve residential neighborhoods have a deleterious effect on both the business and the residential segments of the neighborhood. The establishment of more than two (2) adult uses within one thousand (1,000) feet of each other compounds this deleterious effect. Control of the location of adult uses is needed to allow an acceptable level of such uses while maintaining neighborhoods which meet the expectations of the general public.

- A. An adult use shall not be located within one thousand (1,000) feet of another adult use or within one thousand (1,000) feet of any public or parochial school, licensed day care facility, church, public park, residential district or any dwelling (one-family, two-family or multiple dwelling).

B. The one thousand (1,000) foot restrictions shall be computed by measurement from the residential zone or from the nearest property line of the land used for another adult use or any public or parochial school, licensed day care facility, church, public park, residential district, or any dwelling to the nearest entrance of the building in which adult uses are to occur, using a route of direct measured horizontal distance.

C. All building openings, entries, windows, etc., shall be covered in such a manner as to prevent a view into the interior from any public or semi-public area. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways, or from other public or semi-public areas.

9. Sidewalks. Sidewalks shall be required for any new dwelling. The sidewalks shall be constructed on all sides of the lot which abut a street and built according to the specifications set out in Chapter 136 of this Code of Ordinances. The building permit shall include plans for the construction and placement of the sidewalks.

10. Residential Dwelling Standards. All residential dwelling units shall meet the following minimum standards:

A. The dwelling unit must have a minimum width of twenty-two (22) feet for at least sixty-five percent (65%) of the length of the dwelling unit, said dimension to be exclusive of attached garages, porches or other accessory structures.

B. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.

C. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403.

D. All dwelling units shall have an exterior wall covering that is either:

(1) Wood or masonry finish or its appearance, and/or;

(2) Vertical or horizontal grooved siding or lap siding or its appearance.

(3) The use of flat or corrugated sheet metal for exterior walls or roof covering is prohibited. Metal roofing that meets or exceeds the requirements of Chapter 156 and 158 of the Code of Ordinances of the City of Pleasantville shall be allowed.

(Ord. 10-05-02, passed 7- - 2010; Ord. 1310, passed 12-19-2013)

165.07 R-1 SINGLE-FAMILY RESIDENCE DISTRICT. In R-1 Districts, the following regulations apply, except as otherwise provided herein:

1. Uses Permitted.
 - A. Single-family dwellings. No temporary buildings, trailers, or mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
 - B. Churches and accessory building.
 - C. Museums, libraries, parks, playgrounds, community centers and similar uses operated by the City.
 - D. Golf courses, country clubs, and similar recreational uses, provided that special approval is obtained from the Commission with recommendation to the Council for final approval.
 - E. Crop and tree farming; truck gardening.
 - F. Nurseries and greenhouses for propagating and cultivating of plants only.
 - G. Private swimming pools when enclosed with a non-climbable fence of at least six (6) feet in height.
 - H. Public and private schools and colleges for academic instruction.
 - I. Nursery schools, child nurseries.
2. Special Permit Uses. See Section 165.14.
3. Accessory Uses.
 - A. Private garage which may include living quarters of domestic servants employed on the premises. Servants' quarters shall not be restricted to the twelve (12) foot minimum height regulations.
 - B. Home occupations, provided that such occupations shall be conducted solely by resident occupants in their place of abode, and provided that not more than one-half (1/2) the area of one floor shall be used for such purpose, and provided further that such occupations shall not require external or internal alterations or the use of mechanical equipment not customary in dwellings.
4. Building Height Limit - two and one-half stories (2-1/2) but not exceeding thirty-five (35) feet in height, and no accessory structure shall exceed one story or twelve (12) feet in height.
5. Minimum Lot Area - nine thousand five hundred (9,500) square feet for each dwelling together with its accessory buildings; however, where public sewer and water facilities are not available - not less than twenty thousand (20,000) square feet; if public water only is available - not less than ten thousand (10,000) square feet.
6. Minimum Lot Width - seventy-five (75) feet; where public sewer and water facilities are not available - one hundred (100) feet; if public water only is available - eighty (80) feet.
7. Minimum Front Yard Depth - thirty (30) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
8. Minimum Side Yard Width - eight (8) feet on each side for a dwelling and fifteen (15) feet on each side for any other principal building.
9. Minimum Rear Yard Depth - thirty-five (35) feet for a dwelling and forty-five (45) feet for any other building.
10. Exceptions. See Section 165.14.
11. Off Street Parking. See Section 165.15.

165.08 R-2 ONE- AND TWO-FAMILY RESIDENCE DISTRICT. In R-2 Districts, the following regulations apply, except as otherwise provided herein:

1. Uses Permitted.
 - A. Uses permitted in R-1 Districts. No temporary buildings, trailers, or mobile homes, tents, portable or potentially structures shall be used for dwelling purposes.
 - B. Two-family dwellings.
 - C. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section.
2. Special Permit Uses. See Section 165.14.
3. Parking. There shall be provided two (2) automobile parking spaces for each dwelling unit.
4. Accessory Uses.
 - A. Accessory uses as permitted and regulated in R-1 District, except as herein specified.
 - B. Home occupations, provided that such occupations shall be conducted solely by resident occupants of the premises and provided that such occupation shall be conducted entirely within the dwelling or garage. Only one sign shall be permitted appurtenant to a home occupation or permitted use provided such sign shall not exceed four (4) square feet in area and shall not emit any flickering, flashing or glaring light.
5. Building Height Limit. Same as R-1 District.
6. Minimum Lot Area.
 - A. Single-family dwelling - seven thousand five hundred (7,500) square feet.
 - B. Two-family dwelling - eight thousand (8,000) square feet.
 - C. Where public sewer and water facilities are not available - not less than twenty thousand (20,000) square feet; if public water only is available - not less than ten thousand (10,000) square feet. In the case of multiple dwellings, special determination shall be made by the Zoning Administrator.
7. Minimum Lot Width.
 - A. Single family dwelling - sixty-five (65) feet.
 - B. Two-family dwelling - seventy (70) feet.
 - C. Where public sewer and water facilities are not available - one hundred (100) feet; if public water only is available - eighty (80) feet.
8. Minimum Front Yard Depth - thirty (30) feet. When fronting on the right-of-way of a major thoroughfare shown on the official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
9. Minimum Side Yard Width.
 - A. Single family dwelling - eight (8) feet on each side.
 - B. Two-family dwelling - eight (8) feet on each side.
 - C. Any other permitted building - fifteen (15) feet on each side.
10. Minimum Rear Yard Depth - thirty-five (35) feet for a dwelling and forty-five (45) feet for any other building.
11. Exceptions. See Section 165.14.
12. Off-Street Parking. See Section 165.15.

165.09 R-3 MULTIPLE DWELLINGS. The purpose of this section is to regulate multiple family dwellings of more than two (2) dwelling units within the City, and to establish the classification of R-3 District and adopt regulations relative to said use.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in R-3 District.
 - A. Any use permitted in R-2 and R-1 Districts.
 - B. Multiple dwellings including row dwellings and condominium dwellings.
 - C. Boarding and rooming houses.
 - D. Institutions of religious, educational, fraternal, and philanthropic nature, including libraries.
 - E. Nursing, convalescent and retirement homes.
 - F. Private clubs, lodges or veterans organizations.
2. Building Height Limit - same as in R-1 and R-2 Districts.
3. Minimum Lot Area.
 - A. Single-family dwelling - seven thousand five hundred (7,500) square feet.
 - B. Two-family dwellings - eight thousand (8,000) square feet.
 - C. Multiple family dwellings - nine thousand (9,000) square feet.
 - D. Where public sewer and water facilities are not available - not less than twenty thousand (20,000) square feet; if public water only is available - not less than ten thousand (10,000) square feet. In case of multiple dwellings, special determination shall be made by the Zoning Administrator.
4. Minimum Front Yard Depth and Side Yard Requirements. Minimum front yard depth shall be 30 feet or in conformity to existing structures. Single minimum side yard width shall be:
 - A. Single family dwelling - eight (8) feet on each side.
 - B. Two-family dwellings - eight (8) feet on each side.
 - C. One-story multiple family dwellings - twenty (20) feet on each side.
 - D. Two-story or more family dwellings - twenty (20) feet on each side.
 - E. Any other permitted building - fifteen (15) feet on each side.
5. Parking Spaces Required. For each multiple dwelling there shall be required two (2) parking spaces of not less than 20 x 12 feet, up to eight (8) units with a requirement of one and one-half (1½) spaces for each unit thereafter.
6. Permitted Accessory Uses - accessory uses permitted in and limited to R-3 District including garaging facilities incident to multiple dwelling units erected.

165.10 C-1 COMMERCIAL DISTRICT. In C-1 Districts, the following regulations shall apply, except as otherwise provided herein:

1. Uses Permitted.
 - A. Uses Permitted in R-2 Districts. No temporary buildings, trailers or mobile homes, tents, portable or potentially portable structures, shall be used for dwelling purposes.
 - B. Any local retail business or service establishment such as the following:
 - Animal hospital, veterinary clinic or kennel
 - Antique shop
 - Automobile and truck sales, service and repair
 - Baby store
 - Bakery whose products are sold only at retail and only on the premises
 - Barber shop or beauty parlor
 - Bowling alleys
 - Candy shops whose products are sold only at retail and only on the premises
 - Clothes cleaning and laundry pickup
 - Collection office of public utility
 - Dairy store - retail
 - Dance and/or music studio
 - Drive-in eating and drinking establishments
 - Drug store
 - Farm machinery sales and service
 - Filling station
 - Florist shop
 - Fruit and vegetable market
 - Funeral homes
 - Furniture store
 - Garages, public
 - Golf driving range and miniature golf course
 - Gift shop
 - Grocery and delicatessen
 - Hardware store
 - Hobby shop
 - Hotel, motel or motor lodge
 - Household appliances - sales and repair
 - Ice storage and distributing station of not more than five-ton capacity
 - Jewelry shop
 - Launderette and similar businesses
 - Mobile home sales and/or repair
 - Paint and wallpaper store
 - Post office sub-station
 - Radio and television sales and repair
 - Real estate office
 - Restaurant, café, and soda fountain
 - Shoe repair shop
 - Sporting goods
 - Tailor shop
 - Variety store
 - C. Business or professional office and the like, supplying commodities or performing services.
2. Special Permit Uses. See Section 165.14.

3. Accessory Uses - accessory uses as permitted in the R-2 District.
4. Building Height Limit - two and one-half (2½) stories, but not exceeding thirty- five (35) feet in height.
5. Minimum Lot Area - for a dwelling and any building containing any dwelling units - same as in R-2 District; no requirement for any other building.
6. Minimum Lot Width - for a dwelling and any building containing any dwelling units - same as in R-2 District; no requirement for any other building.
7. Minimum Front Yard Depth - twenty-five (25) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
8. Minimum Side Yard Width - none required except as follows:
 - A. Side yards shall be required for a dwelling and any building containing any dwelling units as required in the R-2 District.
 - B. A side yard shall be required on that side of a lot which adjoins any R-1 or R-2 District which shall be no less than five (5) feet.
9. Minimum Rear Yard Depth - thirty-five (35) feet. For each foot that the front yard is increased over twenty-five (25) feet, the rear yard may be decreased proportionately; except that where the rear yard adjoins the side lot line of a lot in an "R" District, there shall be a minimum rear yard of five (5) feet required adjacent to said lot line.
10. Exceptions. See Section 165.14.
11. Permanency and Strength of Materials. The purpose of this subsection is to preserve and promote the natural beauty and distinctive character of the City and its business districts which are so intimately connected with life in Pleasantville; maintenance of atmosphere and promotion of integrated shopping, living, entertainment and recreation area for visitors and the people of the City, to the end that the public welfare will be promoted and advanced through the preservation and promotion of property values and the resulting benefit to the economy of the City and most importantly, to preserve and promote the quality of life for the citizens of Pleasantville, Iowa. The architectural theme of any development within a C-1 District shall be dominated with permanency and strength of materials in proportion to the aesthetic characteristics of the architectural bulk, shape, materials and color, and shall be compatible with other structures within the immediate surrounding development area and the C-1 District. The buildings within the C-1 District, both as principal permitted uses and accessory uses, shall be designed and constructed with such materials as may be necessary in order to assure durability, permanency and continued aesthetic quality. The general manner in which any use and development is accomplished shall be compatible to and in harmony with the character of the C-1 District as established or proposed. Existing or potential land use conflicts shall be avoided through proper orientation, open space, setbacks, landscaping and screening, grading, traffic circulation and architectural compatibility.
 - A. For purposes of this subsection, the following shall be deemed as sufficient to provide for permanency and strength of materials in proportion to the aesthetic characteristics of architectural bulk, shape and materials:
 - Brick, stone, marble, granite and other similar masonry veneers and fascia;
 - Glass and glass window panel systems;
 - Aluminum, steel, vinyl and similar lap siding when in character with the architectural characteristics of the structure;
 - Textured, fluted or similar exposed concrete block masonry materials;
 - Textured, concrete tilt-up panel construction systems;
 - Canopies, awnings and similar portico coverings for windows, walkways and architectural character;
 - Pitched roofs with gables, hips, dormers and similar offsetting and intersecting roof lines;

- Stucco and staccato board and trim.
- B. The following shall not be deemed sufficient to provide permanency and strength of materials in proportion to the aesthetic characteristics of the architectural bulk, shape and materials when not used in conjunction with the previous list or when not specifically a part of an architectural character or theme:
- Plywood and similar sheet, untextured wood coverings;
 - Particle board, pressed board and similar composite siding materials including lapsiding;
 - Flat roof systems when roof line can be used for addition to building architectural character;
 - Common concrete block when used for exterior fascia, whether painted or not;
 - Vertical steel siding.
12. Off-Street Parking and Loading. See Section 165.15.

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165.11 C-2 COMMERCIAL DISTRICT. This district is intended only as the Central Business District of the City and no property shall be zoned C-2 Commercial unless it lies adjacent to property zoned C-2 Commercial as a part of the Central Business District. Off-street parking and loading facilities and building setbacks are not required in this district to provide for the intensive development of the land. Off-street parking facilities, if needed, should be provided by the City or by private enterprise as a business. In the C-2 District, the following uses and regulations shall apply, except as may be provided in other sections of this chapter:

1. Principal Permitted Uses.
 - A. Any use permitted in the C-1 Commercial District.
 - B. Any retail or wholesale business and service business including the following uses:
 - Automobile body and fender repair shop
 - Bakeries
 - Ballrooms and dance halls
 - Bicycle and motorcycle shop - sales and repair
 - Billboards
 - Billiard parlors and pool halls
 - Bookbinding
 - Candy or confections manufacturing
 - Clothes dry cleaning
 - Commercial parking lots
 - Electric sub-stations
 - Household equipment repair shops
 - Laundry
 - Lawn mower repair shop
 - Office building
 - Plumbing shop
 - Monument sales and engraving
 - Automobile, truck, and mobile home sales and repair
 - Packing of candy, confections and/or frozen foods
 - Printing and/or publishing business
 - Repair and storage garages
 - Sheet metal shop
 - Sign painting shop
 - Storage warehouse
 - Tire repair shops
2. Special Permit Uses. See Section 165.14.
3. Accessory Uses.
 - A. Accessory uses permitted in the C-1 District.
 - B. Accessory uses and structures customarily incidental to any permitted principal uses.
4. Building Height Limit - four (4) stories but not exceeding sixty (60) feet.
5. Minimum Lot Area - dwelling - same as R-2 District; no requirement for any other building.
6. Minimum Lot Width - dwelling - same-as R-2 District; no requirement for any other building.
7. Minimum Front Yard Depth - dwelling - same-as R-2 District; no requirement for any other building unless fronting on the proposed right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, in which case, the building setback shall be the proposed right-of-way line.
8. Minimum Side Yard Width - dwelling - same-as R-2 District; no requirement for any other building except when adjacent to the side lot line of a lot in an "R" District, in which case, not less than fifteen (15) feet.

9. Minimum Rear Yard Depth - dwelling - same-as R-2 District; no requirement for any other building except when adjacent to the side lot line of a lot in an "R" District, in which case, ten (10) feet.
 10. Off-Street Parking and Loading. See Section 165.15.
 11. Exceptions. See Section 165.14.
- (Ord. 09-12-05, passed 12-19-2013)*

165.12 M-1 LIGHT INDUSTRIAL DISTRICT. In the M-1 District, the following regulations shall apply, except as otherwise provided herein:

1. Principal Permitted Uses.
 - A. Uses permitted in C-2 Districts.
 - B. Any of the following uses:
 - Automobile assembly and major repair
 - Creamery, bottling, ice manufacturing and cold storage plant
 - Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils
 - Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as bone or cloth, cork, fiber, leather, paper, plastics, metals, or stones, tobacco, wax, yarns, and wood
 - Manufacture of musical instruments, novelties and molded rubber products
 - Manufacture or assembly of electrical appliances, instruments, and devices
 - Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas
 - Laboratories - experimental, film, or testing
 - Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment
 - Blacksmith, welding, or other metal shop
 - Foundry
 - Bag, carpet, and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust
 - Enameling, lacquering or japanning
 - Crematory - if located not less than two hundred (200) feet from any "R" District
 - Concrete mixing, concrete products manufacture
 - Sawmill, planing mill; including manufacture of wood products not involving chemical treatment
 - Building material sales yards, lumberyard, contractor equipment storage yard or plant, or rental of equipment commonly used by contractors, and storage yards for vehicles of a delivery or draying service
 - Circus, carnival or similar transient enterprise; provided such structures or buildings are at least two hundred (200) feet from any "R" district
 - Inflammable liquids, underground storage only
 - Printing and/or publishing house
 - Truck terminal or yard including repair
 - Fertilizer, propane, petroleum and chemical products storage, handling, processing, packaging, and distribution to exclude the manufacture of such items; provided, however, these uses shall be permitted subject to approval by the Council after public hearing and after report and recommendation by the Planning and Zoning Commission. The Council shall consider all of the following provisions in its determination upon the particular use at the location requested:
 - a. The proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property;

- b. Such use shall not impair an adequate supply of light and air to surrounding property.
 - c. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
 - d. Such use shall not diminish or impair established property values in adjoining or surrounding property.
 - e. Such use shall be in accord with the intent, purpose, and spirit of this chapter and the Comprehensive Plan of the City.
- 2. Special Permit Uses. See Section 165.14.
- 3. Accessory Uses.
 - A. Any accessory use permitted in C-2 Commercial District.
 - B. Any accessory uses customarily accessory and incidental to a permitted principal use.
- 4. Required Conditions. No use shall be permitted to be established or maintained which, by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinder, gas, fumes, vibration, refuse matter or water-carried waste.
- 5. Building Height Limit - three (3) stories but not more than fifty (50) feet.
- 6. Minimum Lot Area - no minimum, except for dwellings, same as in R-2 District.
- 7. Minimum Lot Width - no minimum, except for dwellings, same as in R-2 District.
- 8. Minimum Front Yard Depth - 30 feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
- 9. Minimum Side Yard - none required except adjacent to an "R" District, in which case, not less than twenty-five (25) feet.
- 10. Minimum Rear Yard Depth - forty (40) feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required.
- 11. Exceptions. See Section 165.14.
- 12. Off-Street Parking and Loading. See Section 165.15.

165.13 M-2 HEAVY INDUSTRIAL DISTRICT. In the M-2 District, the following regulations shall apply, except as otherwise provided herein:

1. Principal Permitted Uses.

A. Uses permitted in M-1 Districts, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them.

B. Any other use not otherwise prohibited by law; provided, however, the following uses shall be permitted subject to approval by the City Council after public hearing, and after report and recommendation by the Commission. The Council shall consider all of the following provisions in its determination upon the particular use at the location requested.

(1) The proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

(2) Such use shall not impair an adequate supply of light and air to surrounding property.

(3) Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.

(4) Such use shall not diminish or impair established property values in adjoining or surrounding property.

(5) Such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

The uses subject to the above provisions are as follows:

- Acid manufacture
- Cement, lime, gypsum, or plaster of paris manufacture
- Distillation of bones, coal tar, petroleum, refuse, grain or wood
- Dump
- Drilling for or removal of oil, gas, or other hydro-carbon substance
- Explosives manufacture or storage
- Fat rendering
- Fertilizer manufacture
- Garbage, offal or dead animal or fish reduction or dumping
- Gas manufacture
- Glue manufacture
- Hog ranch
- Mineral extraction, including sand or gravel
- Petroleum or petroleum products refining
- Rubber goods manufacture
- Salvage yards, including auto wrecking and salvage, used parts sales and junk, iron or rags storage or baling. No portion of the front yard is to be used for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles. Any premises on which such activities are carried on shall be wholly enclosed within a building or by a wooden, metal or masonry fence or wall not less than six (6) feet in height and so constructed that it completely obscures the view of the operations on the premises from surrounding streets or private property.
- Smelting of ores
- Stockyard or slaughter of animals, except poultry or rabbits
- Tannery

- Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration, or noise, or may impose hazard to health or property
2. Special Permit Uses. See Section 165.14.
 3. Required Conditions.
 - A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed.
 - B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any “R” District boundary, except where adjoining a railroad right-of-way.
 4. Building Height Limit - three (3) stories but not more than fifty (50) feet.
 5. Minimum Lot Area - no minimum.
 6. Minimum Lot Width - no minimum.
 7. Minimum Front Yard Depth - thirty (30) feet. When fronting on the right-of-way of a major thoroughfare shown on the Official Major Thoroughfare Plan, the front yard shall be measured from the proposed right-of-way line.
 8. Minimum Side Yard - none required except adjacent to an “R” District, in which case, not less than one hundred (100) feet as specified in subsection 3 of this section.
 9. Minimum Rear Yard Depth - forty (40) feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none is required.
 10. Exceptions. See Section 165.14.
 11. Off-Street Parking and Loading. See Section 165.15.

165.13A WW WASTEWATER TREATMENT FACILITY WAIVER OF SEPARATION OVERLAY DISTRICT (WW). The regulations set forth in this section, or elsewhere in this ordinance when applicable, shall apply in the WW District.

1. Waiver of Separation Requirements:
 - A. The Property Owners agree to forever waive all applicable site separation requirements of the Iowa Department of Natural Resources imposed under the provisions of Iowa Administrative Code Section 567--64.2(3) with respect to the location of the City Wastewater Facilities. Such waiver shall extend to the facility as depicted in Exhibit "1" to the Zoning Map.
 - B. The Property Owners agree the City can construct, reconstruct, maintain or modify the project as set forth in Exhibit "1" to the Zoning Map.
 - C. The Property Owners acknowledge and agree that they have received full and fair compensation as consideration for this agreement and the Property Owners are forever barred and stopped from filing in law or equity requesting additional compensation.
 - D. The Property Owners are forever barred and stopped from filing any action in law or equity relative to the location or operation of the City Wastewater Facilities, with said bar extending to, but not necessarily limited to, noise, light, odor, traffic, proximity or physical facilities relating to the construction or operation of said project. These commitments by the Property Owners shall in no way limit their right to access their property or to the free use and enjoyment of their property.
 - E. The Property Owners understand and agree this Permanent Site Separation Waiver Agreement and Easement shall be recorded and shall run with the land and shall be fully applicable and binding upon the assigns, or successors in interest to said property, or any part thereof.
 - F. These regulations shall apply to, but are not limited to, the following actions:
 - (1) As a condition of approval for Building Permits for all new commercial or inhabitable structures on parcels of record within the WW District, a Waiver of Separation shall be executed and recorded with the County Recorder for abstract of title purposes.
 - (2) As a condition of Final Plan approval, for each and every new parcel created within the WW District after the effective date, a Waiver of Separation shall be executed and recorded with the County Recorder for abstract of title purposes.
 - G. A copy of recorded Waiver of Separation shall be submitted to the Iowa DNR by the City Administrator.

(Ord. 1502, passed 3-10-2015)

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165.14 EXCEPTIONS, MODIFICATIONS, AND INTERPRETATIONS.

1. Structures Permitted Above Height Limit. The building height limitations of this chapter shall be modified as follows:
 - A. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances.
 - B. Public, semi-public, or public service buildings, hospitals, sanitariums, or schools, when permitted in a district, may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one (1) foot, in addition to the minimum yard requirements, for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.
2. Double Frontage Lots. Buildings on double frontage lots extending through from street to street shall provide the required front yard on both streets.
3. Rear Yards Adjacent to Alleys. In computing the depth of a rear yard where the rear yard opens on an alley, one-half (1/2) of the alley width may be included as a portion of the rear yard.
4. Other Exceptions to Yard Requirement. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed 24 inches including roof overhang.
5. Home Occupations. The secondary use of a dwelling unit for commercial purposes is limited to uses hereinafter defined, and restricted to the principal dwelling unit and/or an accessory unit attached thereto, occupying not more than twenty-five percent (25%) of the total floor area of such combined dwelling unit. In no event shall a home occupation occupy more than a total of five hundred (500) square feet of floor area within the principal dwelling unit and/or accessory unit attached thereto.
 - A. Exclusive Use. The home occupation shall be for the exclusive use of the occupants of the dwelling unit and/or not more than one employee.
 - B. Restrictions. A home occupation shall not display or create outside the building any external evidence of the operation of the home occupation, except that upon each street front on which the building is located, no more than one inanimate, non-illustrated flat or window sign not exceeding four (4) square feet shall be allowed.
 - C. Exterior Use. The exterior yard of the premises in question shall not be used or utilized other than for the parking of no more than two (2) vehicles used in the home occupation. The parking of customer's or client's vehicles within the exterior yard of the premises in question shall not be allowed.
 - D. Uses Allowed. Home occupation shall include the use of premises by a physician, psychologist, surgeon, dentist, lawyer, clergyman, chiropractor, engineer, draftsman, architect, real estate broker or salesman, insurance office and sales, music studio, dance studio, artist's studio, barbershop, beauty shop or beauty parlor, dressmakers, tailor, babysitters, caterer, photographer, salesman, cabinet maker, furniture restorer, accountants, bookkeepers, carpenters, sign painters, painters, and said use shall be restricted so as to emit no odors, create unusual noise, litter, electrical interference, and said property shall be maintained so as to be consistent with the neighborhood within which said home occupation is located.
 - E. Allowed in all Districts. Home occupations may be utilized in any and all zoning districts within the City.
 - F. Special Permit. In case of conflict or dispute, and within the discretion of the Board of Adjustment, uses similar to those set forth herein may be authorized as home occupations by reason of special permit issued by the Board of Adjustment.
6. Special Permit Uses. The Board of Adjustment may, by special permit, after public hearing, authorize the location of any of the following buildings or uses in any district from which they are otherwise prohibited by this chapter. Notice of time and place of hearing shall be given to all

affected property owners at least ten (10) days in advance of hearing by placing notices in the United States mail.

- A. Any public building erected and used by any department of the City, Township, County, State, or Federal Government.
- B. Airport or landing field.
- C. Community building or recreation center.
- D. Hospitals, homes for the aged, nursing homes, non-profit, fraternal institutions, provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or eleemosynary character, provided that the building shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height but not less than the yard requirements for the district in which located.
- E. Mobile Home Parks, subject to the following requirements:
 - (1) Minimum Development Requirements for Park:
 - Front yard (to be measured from all streets on which park abuts) - thirty-five (35) feet.
 - Side yard - thirty-five (35) feet.
 - Rear yard - thirty-five (35) feet.
 - Minimum area - two (2) acres.
 - Drives - twenty-five (25) feet in width surfaced with asphalt or Portland Cement Concrete.
 - Sanitary facilities - connection with the municipal sewer system or adequate private sewage disposal facilities.
 - (2) Minimum Development Requirements for "Home" spaces:
 - Minimum space size - forty (40) feet by seventy-five (75) feet.
 - Minimum space area - three thousand (3,000) square feet.
 - Off-drive parking - one parking space for each "home" space.
 - Minimum front yard - fifteen (15) feet.
 - Minimum rear yard - ten (10) feet.
 - Minimum side yard - five (5) feet.
- F. Multiple dwellings containing more than four (4) units provided the density shall not exceed twenty-five (25) dwelling units per usable acre of land.
- G. Pre-schools.
- H. Public Cemetery.

Before issuance of any special permit for any of the above buildings or uses, the Council shall refer the proposed application to the Planning and Zoning Commission, which Commission shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission has been filed; provided, however, if no report is received from the Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission.

165.15 PARKING AND LOADING AREAS.

- 1. Off-Street Loading Spaces Required. In any "C" or "M" District, in connection with every building or part thereof, hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet.

- A. Each loading space shall be not less than ten (10) feet in width and thirty-five (35) feet in length.
- B. Such space may occupy all or any part of any required yard or court space.
- 2. Off-Street Parking Area Required. In all districts, except the C-2 District, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule:
 - A. Automobile sales and service garages - fifty percent (50%) of floor area.
 - B. Banks, business and professional offices - fifty percent (50%) of floor area.
 - C. Bowling alleys - five (5) spaces for each alley.
 - D. Churches and schools - one (1) space for each eight (8) seats in a principal auditorium. When no auditorium is involved, one (1) space for every two (2) employees.
 - E. Dance halls, assembly halls - two hundred percent (200%) of floor area used for dancing or assembly.
 - F. Dwelling - one (1) parking space for each family or dwelling unit.
 - G. Funeral homes, mortuaries - one (1) parking space for each five (5) seats in the principal auditorium.
 - H. Furniture and appliance stores, household equipment or furniture repair shops over one thousand (1,000) square feet of floor area - fifty percent (50%) of floor area.
 - I. Hospitals - one (1) space for each four (4) beds.
 - J. Hotels, lodging houses - one (1) space for each two (2) bedrooms.
 - K. Manufacturing plants - one (1) space for each three (3) employees on the maximum working shift.
 - L. Restaurants, beer parlors, and night clubs, over one thousand (1,000) square feet floor area - two hundred percent (200%) of floor area.
 - M. Retail stores, supermarkets, etc., over two thousand (2,000) square feet floor area - two hundred fifty percent (250%) of floor area.
 - N. Retail stores, shops, etc., under two thousand (2,000) square feet floor area - one hundred percent (100%) of floor area.
 - O. Sports arenas, auditoriums, other than in schools - one (1) parking space for each six (6) seats.
 - P. Theaters, assembly halls with fixed seats - one (1) parking space for each six (6) seats.
 - Q. Wholesale establishments or warehouses - one (1) parking space for every two (2) employees.

In case of any building, structure, or premises, the use of which is not specifically mentioned herein, requirements for a use which is mentioned and to which said use is similar shall apply. Off-street parking areas may be established in any "R" District that immediately joins a "C" or an "M" district, or is directly across an alley from a "C" or "M" District, provided that such parking is accessory to and for use of one or more business or industrial establishments, located in the adjoining "C" or "M" District; provided, however, such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted zone. Off-street parking areas shall be surfaced with Portland cement concrete or asphaltic material or shall be dust-proofed in some other manner as may be approved by the Council and shall be maintained in a dust-free condition. All new driveways shall be surfaced with the aforementioned material, including residential houses that are constructed after August 19, 2002. In addition, any residential, commercial, industrial or institutional addition or alteration to any site or structure which is in excess of 50% of the main floor area shall also construct or reconstruct the driveways and parking area which service such site or structure with the aforementioned material.

165.16 COMMUNITY UNIT PLAN. The owner or owners of any tract of land comprising an area of not less than twenty (20) acres may submit to the Council a plan for the use and development of the entire

tract of land. The development shall be referred to the Commission for study and report and for public hearing. If the Commission approves the development plan, the plan, together with the recommendation of the Commission, shall then be submitted to the Council for consideration and approval. If the Council approves the plan, building permits and certificates of zoning compliance may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located except as follows:

1. Only uses permitted in the "R" Districts shall be permitted.
2. The average lot area per family contained in the proposed plan, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.

165.17 ZONING OF ANNEXED AREAS. Any land annexed to the City after the effective date of the Zoning Ordinance shall be zoned R-1 Residential until the Commission and Council shall have studied the area and adopted a final zoning plan for the area. Said final zoning plan shall be adopted within six (6) months of date of annexation.

165.18 ADMINISTRATION AND ENFORCEMENT. The Public Works Director shall administer and enforce this chapter. Said officer may be provided with the assistance of such other persons as the Council may direct. If the Public Works Director finds that any of the provisions of this chapter are being violated, the Director shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Public Works Director shall order discontinuance of illegal use of land, building or structures; the removal of illegal buildings or structures or of additions, alterations or structural changes thereto; and the discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions.

165.19 BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

1. Building Permit. No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor, issued by the Public Works Director. No building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for building permits shall be as provided by City Ordinance. The building permit shall remain in force and effect for a period of one (1) year from the date it is issued. After the building permit expires, a new application must be made pursuant to the requirements of subsection 2 below.
2. Application for Building Permit. All applications for building permits shall be accompanied by a plan showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this chapter.
3. Certificates of Zoning Compliance for New, Altered or Nonconforming Uses. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Public Works Director, stating that the proposed use of the building or land conforms to the requirements of this chapter. Certificates of zoning compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed in conformity with the provisions of this chapter. A temporary certificate of zoning compliance may be issued by the Public Works

Director for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. The Public Works Director shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person. Failure to obtain a certificate of zoning compliance shall be a violation of this chapter.

165.20 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS AND PLANS.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Public Works Director authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter. All construction authorized by the Public Works Director pursuant to building permits or certificates of zoning compliance shall be completed within one (1) year of date so authorized.

165.21 BOARD OF ADJUSTMENT.

1. Board of Adjustment Created. The Council shall appoint five (5) persons to the Board of Adjustment. Each member of the Board shall serve a five (5) year term, and terms shall be staggered so that no more than one term expires per year. A majority of the Board shall be persons not involved in the business of purchasing or selling real estate.

2. Chairperson. The Board shall select, by majority vote, one of its members to serve as Chairperson. The Chair shall preside at meetings of the board.

3. Meetings. The meetings of the Board shall be held at the call of the Chairperson or at such other times as the Board may determine. All meeting of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, of if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

4. Powers and Duties of the Board of Adjustment. The Board of Adjustment shall have only the following powers and duties:

A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Zoning Ordinance or any regulation relating to the location or soundness of structures.

B. Special Use Permits. To hear and decide the approval of applications for special use permits, as provided by this chapter.

C. Variances to Relieve Hardships Relating to Property. To authorize, upon appeal, variances from the strict application of this chapter where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

(1) Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:

(A) Strict application of the Zoning Ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(B) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

- (C) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
 - (D) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
 - (E) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.
 - (F) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.
- (2) Findings by Board. The Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance.
 - (3) Conditions for Grant of Variance.
 - (A) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter.
 - (B) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.
 - (C) No nonconforming use of neighboring lands, structures, or buildings in the same district and non-permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - (4) Board has Powers of Zoning Administrator on Appeals; Reversing Decisions of Zoning Administrator. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.
 - (5) The concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.
 - (6) All meeting of the Board of Adjustment shall be open to the public. The Zoning Administrator 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 Zoning Administrator and shall be a public record. The presence of a majority of the entire Board shall be necessary to constitute a quorum.
 - (7) A resolution signed by the Chairperson or acting Chair of the Board of Adjustment shall be kept in the office of the Zoning Administrator. The resolution shall set forth the full reason for its decision and the vote of each member participating therein.

5. Standing to Appeal. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Commission. At the hearing, any party may appear in person or by agent, or by attorney.
6. Procedure for Appeals.
 - A. Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty (30) days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would in his/her opinion, cause imminent peril to life or property.
 - B. The Zoning Administrator shall provide a notice of a public hearing on any question before it by publication in a newspaper of general circulation in the City of Pleasantville at least ten (10) days before and no more than twenty (20) days before the date of public hearing. The Zoning Administrator shall post an agenda in City Hall and at the location of the meeting prior to the Board of Adjustment meeting. The Zoning Administrator shall attempt to notify adjacent property owners within two hundred (200) feet to the property in question by mail prior to the Board of Adjustment meeting. Failure to notify 100% of all adjacent property owners shall not stop Board of Adjustment from considering the application request or acting on the petition.
 - C. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of a majority of the entire board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the appellant on any matter upon which it is required to pass under this Zoning Ordinance, or to effect any variation in such Zoning Ordinance.
 - D. An appeal stays all proceedings in furtherance the action appealed from, unless the Zoning Administrator certifies to the Board that a stay would, in his/her opinion, cause imminent danger to life, property, or the public safety. In such a case, the proceedings shall be stayed only by a restraining order granted by the Board or by a court of record on application, on notice to the Zoning Administrator.
 - E. The processing of special use permits shall follow the same procedures for hearings and public notifications as variance or administrative review appeals.
7. Filing Fee for Appeal. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of fifteen dollars (\$15.00) to the Clerk to be credited to the General Fund of the city.
8. Variances to Be Consistent with Intent of the Zoning Ordinance. All variations granted under this chapter shall be in harmony with the general purpose and intent of the Zoning Ordinance.
9. Appeals from the Board of Adjustment. Any person or persons, the City, or any board, taxpayer, officer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record in the manner provided by the laws of the State and particularly by Chapter 414, *Code of Iowa*.
10. Power to Permit Specific Exceptions. The Board shall permit the following exceptions to the district regulations set forth in the zoning Ordinance.
 - A. To permit erection and use of a building or the use of premises or vary the height, yard or other area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
 - B. To permit the use of property in residential districts for off-street parking purposes as accessory to permitted residential district uses where said parking lots do not immediately adjoin the permitted residential district use.
 - C. 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 of purchase

at the time of the passage of the zoning ordinance, but in no case shall such extension of the district boundary line exceed forty (40) feet in any direction.

11. Exceptions to Promote Public Welfare. All exceptions shall, by 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 on the public streets, shall not increase public danger of fire and safety and shall not diminish or impair established property values in surrounding areas.

(Ord. 08-09-09, passed 9-15-2008)

165.22 DUTIES ON MATTERS OF APPEAL. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Public Works Director, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Public Works Director, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law. It is further the intent of this chapter that the duties of the Council, in connection with this chapter, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this chapter. Under this chapter, the Council shall have only the duties of: (i) considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law; (ii) establishing a schedule of fees and charges; (iii) considering applications for special permits for special uses as specified in Section 165.14(6) of this chapter; and (iv) considering applications for uses listed in the M-2 Heavy Industrial District.

165.23 SCHEDULE OF FEES. The Council shall establish a schedule of fees, charges and expenses, and a collection procedure for certificates of zoning compliance, appeals and other matters pertaining to this chapter. The schedule of fees listed below shall be posted in the office of the Public Works Director, and may be altered or amended only by the Council. No certificate, special exception, or variance shall be issued unless or until such costs, charges, fees or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

1. Certificate of Zoning Compliance:
 - A. New structure - The building permit fee shall include the Certificate of Zoning Compliance.
 - B. Change of use:

Residential use	\$10.00
Any use other than residential	\$20.00
2. Appeal - Board of Adjustment \$10.00

165.24 AMENDMENTS. The Council may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Zoning Commission, amend, supplement or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Council. Whenever any person desires that any amendment or change be made in this chapter, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof, and intervening streets and alleys not to be included in computing such two hundred (200) feet, it shall be the duty of the Council to vote upon such petition within ninety (90) days after the filing of such petition with the Clerk. In case the proposed amendment, supplement, or change is disapproved by the Commission, or a protest is presented duly signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred feet from the street frontage of such opposite lots, such amendment shall not become

effective except by the favorite vote of at least four-fifths (4/5) of all the members of the Council. 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 Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Council until one year shall have elapsed from the date of the filing of the first petition. Before any action shall be taken as provided in this part, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Clerk the sum of ten dollars (\$10.00) to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

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

165.26 ENFORCEMENT. All departments, officials, and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure, or purpose if the same would not conform to the provisions of this chapter. Each day that any violation of this chapter continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

EDITOR'S NOTE			
All ordinances rezoning property adopted prior to Ordinance No. 03-11-03 and the following additional ordinances have been adopted amending the Official Zoning Map described in Section 165.03 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.			
ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
3-11-03	November 17, 2003		
05-11-08	November 21, 2005		
09-06-02	June 15, 2009		
1303	June 17, 2013		
1304	June 17, 2013		
1311	August 19, 2013		
1312	September 17, 2013		

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CHAPTER 166

SITE PLANS

166.01	Purpose and Scope	166.05	City Council Action
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		166.09	Approval and Penalties
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166.01 PURPOSE AND SCOPE. It is the intent and purpose of this chapter to establish a procedure by which the City can review proposed improvements of property within a specified zoning district. the site plan requirements of this chapter are designed to aid the City's Building Department, Planning and Zoning Commission and the Council in issuing building permits, promoting the most beneficial relation between the uses of land and the circulation of traffic throughout the City, encourage adequate provisions for surface and subsurface drainage, and to insure that the proposed facilities shall meet the existing City zoning and building requirements, and to insure the availability and capacity of public facilities for the proposed installation. A site plan shall be submitted as outlined in this chapter for all proposed improvement installations, including new building construction, building addition construction, accessory building construction, parking facilities construction, for proposed or existing structures.

166.02 SITE PLAN REQUIREMENTS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENCES. In the event a building permit is required for the construction of a one- or two-family dwelling or the addition to a one- or two-family dwelling, or for the construction of an accessory use building for a one- or two-family dwelling, or for an addition or expansion of parking or driveway facilities for each unit, the applicant shall submit three (3) copies of the site plan depicting the requirements contained in this section.

1. Name and address of the owner or developer.
2. Name and address of the person preparing the site plan.
3. Address of site.
4. Date of preparation of site plan.
5. Legal description of site.
6. Plat information:
 - A. Lot boundary with dimensions;
 - B. Easements;
 - C. Building setback lines.
7. Improvement information with legend for those listed below:
 - A. Street or road pavement width and location.

- B. Water Mains:
 - (1) Main size and location;
 - (2) Service location.
- C. Sanitary Sewer:
 - (1) Location in right-of-way with size;
 - (2) Location from lot lines;
 - (3) Location of service wye.
- D. Storm sewer manholes and intake locations.
- 8. Obstruction (trees, utility poles, hydrants, etc.)
- 9. Proposed facilities.
 - A. Buildings with cantilevers, retaining walls, drives, walks, decks, etc.
 - B. Drainage arrows depicting direction of drainage.

166.03 SITE PLAN REQUIREMENTS FOR ALL USES OTHER THAN SINGLE FAMILY AND TWO FAMILY RESIDENCES.

1. Procedure. Any person proposing to develop, improve or alter any tract or parcel of land within any district by construction of facilities other than one- or two-family dwelling unit shall prepare and submit to the Planning and Zoning Commission a site plan depicting the requirements contained herein. The site plan shall be accompanied by the proper filing fee as follows:

One acre or less:	Thirty-five dollars (\$35)
More than one acre:	Seventy dollars (\$70)

In addition to the fees set forth in this section, the applicant shall be responsible for just and reasonable costs incurred by the City during the course of the site plan approval for work deemed necessary by the City to assure proper construction in accordance with applicable standards and ordinances.

The applicant shall submit two (2) full-size copies (if full-size site plan is larger than 11" x 17"), eight (8) half-sized copies (11" x 17") and one electronic PDF file of the site plan to the Clerk no less than fifteen (15) days prior to the meeting at which any action is to take place. The Clerk shall deliver copies to the City Engineer and the City Building Department for their review and comments. The remaining copies shall be retained by the Clerk for delivery to the Commission. The City Engineer and the City Building Department shall review such plans for conformance with the site plan requirements. Their review, comments and recommendations shall be presented at the next following regular Planning and Zoning Commission meeting.

2. Commission Action. Following the Engineer's and Building Department's review, the Commission, at its next regular meeting, shall approve the site plan as submitted if the same conforms to all State and local regulations and ordinances. If the site plan fails to conform to all State regulations and applicable ordinances, the Commission shall state the reasons for its disapproval and shall return a copy to the applicant for revision in accordance with the action taken. The applicant shall then submit the revised copy to the Building Department and City Engineer for their review and comments for presentation at the next regular Commission meeting. Upon approval

by the Commission, the site plan shall be presented to the Council at its next regular meeting. The Council shall approve, disapprove or approve subject to conditions.
(Ord. 1702, passed 7-17-2017)

166.04 APPEALS. If the site plan is disapproved by the Planning and Zoning Commission, the applicant may, upon written application to the Commission, appeal in whole or in part any condition or requirement the Commission would require for its approval. The application for appeal and the site plan as submitted shall be presented to the Council at its next regular meeting for their action. The application for appeal must include specific reasons and conditions that exist for variance from the applicable codes or ordinances and variations from the Commission recommendations.

166.05 CITY COUNCIL ACTION. The Council shall review the Commission's recommendations for disapproval, accompanied with the applicant's appeal request. The Council shall also review the Building Department and City Engineer's review, comments and recommendations. The Council shall thereupon take action either approving or disapproving the site plan. Upon approval, the Council shall direct the Building Department to issue the proper building permits. A site plan that has been denied by the Planning and Zoning Commission and the Council may be resubmitted to the Commission by the applicant in accordance with the terms of this chapter and upon payment of the appropriate fees.

166.06 REQUIRED PLAN INFORMATION. Site plans which are submitted for review shall be drawn to a scale of 1" = 50' or larger and shall include as a minimum the following items of information:

1. Narrative Information:
 - A. Name by which the development or improvement shall be called.
 - B. Name and address of the owner of the property.
 - C. Name and address of the developer or builder.
 - D. Name and address of person or firm preparing the site plan.
 - E. Address of the site.
 - F. Legal description of the site.
 - G. Present zoning classification of the site.
 - H. Proposed zoning of the site.
 - I. Development schedule with approximate starting date, staging of development and completion dates.
 - J. Total area of the proposed site.
 - K. Total number and types of all buildings.
 - L. Number of stories of each existing or proposed building.
 - M. Total floor area of each building.
 - N. Total number and types of dwelling units.
 - O. Estimated number of employees for each proposed use where applicable.
 - P. Total number of parking spaces proposed in the site plan.
 - Q. Evidence concerning the feasibility of the project and its effect on surrounding property.
2. The following items are to be shown in illustration on the site plan:

- A. A vicinity sketch at a suitable scale showing the general location of the property, existing land uses adjoining the property, and adjacent existing facilities such as buildings, parking lots, etc.
- B. A certification by a licensed land surveyor shall be on or accompany the site plan, showing that the dimensions and bearings on the property lines are accurately shown.
- C. All existing utilities shall be shown, including the location and size of existing public utilities.
- D. Proposed connections to existing utilities.
- E. Existing buildings, right-of-ways, street improvements, railroads, easements, drainage courses, streams and wooded areas shall be shown.
- F. Building setback lines required by the zoning district and the average setback of buildings within two hundred (200) feet of the proposed building where applicable.
- G. Location, grade and dimension of all existing and proposed paved surfaces.
- H. Traffic circulation and parking plans showing the location and dimensions of all existing and all proposed parking stalls, loading areas, entrances and exit drives, dividers, planters and frontage roads, and other similar permanent improvements.
- I. Location and type of any existing and proposed signs.
- J. Location and type of any existing or proposed lighting.
- K. Location of existing trees six (6) inches or larger in diameter.
- L. Location, amount and type of any proposed landscaping, fences, walls or other screening.
- M. Location and size of all solid waste enclosures.
- N. All existing and proposed sidewalks and pedestrian traffic facilities.
- O. Existing contours at maximum two-foot intervals.
- P. Proposed elevations of structure and improvement and proposed contours or grades.
- Q. Site plan shall include a drainage plan to show the connections to existing storm sewers or drainage ditches and the courses which surface water shall take for exit from the property.
- R. Type and location of all proposed paved surfaces.
- S. Site plan shall include sufficient information to demonstrate compliance with the State Building Code for permanency and strength of materials in proportion to the aesthetic characteristics. Such evidence should include architectural building elevations showing the architectural character, type of materials, and indication of colors.

166.07 STRUCTURAL CERTIFICATE. All site plan information required under Section 166.06 of this chapter, when submitted, shall be accompanied by a certification from a licensed structural engineer or architect certifying as to the structural integrity of the proposed structure.

166.08 DESIGN STANDARDS. The design standards provided herein are to insure the orderly and harmonious development of property in such a manner as will safeguard the public's

health, safety and general welfare. All site plans submitted shall conform to the standards and to the City's standard construction specifications.

1. The design of the proposed development shall make adequate provisions for surface and subsurface drainage and for connections to water and sanitary sewer lines, each so designed neither to overload existing public utility lines nor increase the danger of erosion, flooding, landslide or other endangerment of adjoining or surrounding property.

2. The proposed development shall be designed and located within the property in such a manner as to not unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effect on such adjoining properties from automobile headlights, illumination of required peripheral yards, refuge containers, and imperilment of light and air. For purposes of this section, the term "use and enjoyment of adjoining property" means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" means those uses permitted under the zoning district in which adjoining property is located.

3. The proposed development shall conform to all applicable provisions of the Code of Iowa, and all applicable provisions of this Code of Ordinances.

4. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent surrounding public streets.

5. All electrical, telephone and other public utilities shall be placed underground, where required under applicable subdivision regulations, or wherever installation of the same is reasonably practicable.

6. The proposed development shall be in conformity with the standards of the comprehensive plan and with recognized principles of civic design, land use planning and landscape architecture.

7. All lighting in connection with the proposed development shall conform to the following standards:

A. General Standards:

(1) Flashing or pulsating lights, moving lights, high intensity lights, strobe lights or rotating beacons shall be prohibited out of doors or visible from the outdoors in all zoning districts except when otherwise legally displayed as emergency lights or warning lights.

(2) Any use of neon lights shall be designed in harmony with the surrounding area and in an aesthetically sound manner.

B. Parking Lot Lights:

(1) Parking lot lights are required to be halogen, metal halide, LED or others with similar qualities to reduce glare and provide for improved color correct vision.

(2) Full cut-off high pressure sodium lamps, not exceeding a maximum lumen rating of 16,000 lumens, may be used in outdoor storage areas where the need for good color rendering capabilities for safety and security is not necessary. Such areas must not be accessible to the general public or adjacent to any residential zoning district.

- (3) The fixture itself cannot be adjustable; the fixture must be permanently fixed at an angle such that it shines directly onto the parking lot.
 - (4) No portion of the lamp, lens, or diffuser shall be visible from the side or top of any shield, or otherwise protrude from the bottom of the shield.
 - (5) No forward-throwing flood lights are allowed in the parking lot.
 - (6) The developer must provide an isometric map illustrating the foot-candle contours for the site.
 - (7) The maximum average maintained foot-candles for a parking lot shall be two (2) foot-candles. The maximum foot-candle shall be seven and one half (7.5) foot-candles.
 - (8) When the site is located adjacent to a residential zoning district, no light pollution is allowed onto the residential district.
 - (9) The maximum pole height for the light fixture is twenty-five (25) feet when adjacent to a residential zoning district. The maximum pole height is thirty (30) feet when adjacent to all other zoning districts. The pole heights must be illustrated in detail on the site plan or annotated on the drawing.
 - (10) Multiple light fixtures are allowed on one pole of the parking lot lights.
- C. Wall Pack Lights:
- (1) Wall pack lighting is allowed, however, such lighting may not be a forward-throwing flood light.
 - (2) The maximum lumen rating for the fixture shall not exceed 16,000 lumens.
- D. Canopy Lights:
- (1) An isometric map is required illustrating average foot-candles across the entire site, particularly under the canopy. The average illumination must be less than fifty (50) foot-candles under the canopy and the maximum illumination under the canopy must be seventy (70) foot-candles at the ground.
- E. Soffit Lights:
- (1) Soffit lighting is allowed but must be entirely contained within the soffit itself. No bulb shall be visible.
 - (2) The maximum lumen rating for the fixture shall not exceed 16,000 lumens.
- F. Gooseneck Lights:
- (1) For the purpose of down-lighting only.
 - (2) The bulb itself cannot be visible and the maximum lumen rating does not exceed 16,000 lumens.
- G. Site Lighting:
- (1) The use of flood lights is not encouraged but is allowed as up lighting only for the purpose of illuminating items such as flag poles or the building itself.

- (2) The flood light fixture must be screened from view with landscape materials. Lighting billboards with diffusers is allowed.

The lighting design standards set forth in this subsection shall be applicable to any proposed modifications, change, erection or construction of lighting on any property within the City after the effective date of the ordinance codified in this chapter, whether or not such change, modification, erection or construction is made or proposed in connection with a development of property for which the submission of a site plan is required. It is the intent and purpose of this provision that all lighting in the City conform with the provisions of this subsection.

(Ord. 1702, passed 7-17-2017)

166.09 APPROVAL AND PENALTIES. No building permits shall be issued for any building or development construction that is subject to this chapter within any of these zoning districts: R-1 Districts (Single-Family Residential); R-2 Districts (One- and Two-Family Residential) R-3 Districts (Multiple Family Residential); C Districts (Commercial); or M Districts (Industrial), until a site plan has been submitted and approved for each development in accordance with this chapter. No certificate of occupancy shall be issued for such construction or development until all terms and conditions of the approved site plan have been satisfactorily completed or provided for with the approval of the City. Construction, grading or other development activities for those uses listed above shall be carried out only in substantial compliance with the approved site plan and any conditions or restrictions attached thereto. A site plan shall become effective upon approval by the Council, pursuant to this chapter. The approval of any site plan required by this chapter shall remain valid for one year after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this section, “actual construction” means that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of additional building permits, letting of contracts, grading of the property, or stockpiling of materials on the site shall not constitute actual construction. Appropriate actions and proceedings may be taken by law or in equity to prevent any violations of these regulations, to prevent unlawful construction, to recover damages, to restrain, to correct or abate a violation, to prevent illegal occupancy of a building, structure or premises.

166.10 ENFORCEMENT. It is unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provision of this chapter, or any amendment or supplement thereto. Each and every day during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

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CHAPTER 167

SIGNS

167.01	Purpose	167.04	General Regulations
167.02	Definitions	167.05	Nonconforming Signs
167.03	Signs Permitted	167.06	Administration, Enforcement and Appeals

167.01 PURPOSE. The purpose of this chapter is to set standards and requirements for the erection, placement and size of signs within all zoning districts.

167.02 DEFINITIONS. The following terms are defined as used in this chapter:

1. “Billboard” includes all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures and other pictorial reading matter which advertise a business, attraction or other message which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located including signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
2. “Sign” means any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; provided, however, the following are not included in the application of the regulations herein:
 - A. Signs bearing only property numbers, post box numbers, residential names of occupants of premises, or other identification of premises not having commercial connotations, provided they do not emit flickering, flashing or glittering lights.
 - B. Flags and insignias of any government except when displayed in connection with commercial promotion.
 - C. Legal notices; identification, information, or directional signs erected or required by governmental bodies or permitted by the City on City property or specific easements approved by the Planning and Zoning Commission.
 - D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - E. Signs, directing and guiding traffic and parking on private property, but bearing no advertising matter.
 - F. Signs depicting holiday messages as a part of holiday decorations provided such signs are appropriate to the season or holiday.
3. “Sign, free standing” means a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall. The free standing sign may have one of the following configurations.
 - A. “Sign, portable” means a free standing sign or banners not permanently anchored or secured.

- B. "Sign, monumental" means a free standing sign affixed to a sign monument.
- C. "Sign, pole" means a free standing sign other than a portable sign or monumental sign.
- 4. "Sign monument" means a structure built on grade that forms an integral part of the sign or its background and is in conformance with the zoning requirements of the district in which it is located.
- 5. "Signs, number and surface area." For the purpose of determining number of signs, a sign is considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element is considered to be a single sign. The surface area of a sign is computed as including the entire area within a regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all the elements of the matter displayed including insignias and logos. Frames and structural members not bearing advertising matter are not included in computation of the surface area.
- 6. "Sign, on-site" means a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises.
- 7. "Sign, off-site" means a sign other than an on-site sign. (See also: "billboard.")
- 8. "Sign, roof" means a sign permanently mounted on the roof of the occupied structure on the premises.
- 9. "Sign, wall" means all flat signs of solid face construction which are placed against the building or other structure and attached to the exterior front, rear or side wall of any building or other structure, which includes all signs painted on the exterior surface of a building. Said sign shall project no more than six (6) inches from the face of wall.

167.03 SIGNS PERMITTED.

- 1. Signs Permitted in R-1 and R-2 Districts On-Site.
 - A. One portable sign per street front, not to exceed a total of 18 square feet in area, with a maximum of two (2) sides of nine (9) square feet each per side, pertaining only to the lease, hire or sale of the building or premises on which such sign is located, and campaign signs related to elections and signs advertising on-premises sales or auctions, provided such signs are removed within two (2) days following the election or sale.
 - B. One monumental sign or pole sign for use as outdoor identification and bulletin boards for churches, schools, institutional and other public buildings will be permitted on the premises of such use, subject to approval of the Planning and Zoning Commission. Such sign shall not exceed thirty-two (32) square feet in surface area and shall be a maximum of eight (8) feet in height

above the ground. No part of any such signs shall be located closer than five feet from public right-of-way and shall not be located closer to an intersection than twenty-five (25) feet as measured each way from the

intersecting right-of-way lines so as not to impede the vision of the traveling public.

2. Signs Permitted in R-3 Districts On-Site.

A. One portable sign per street front, not to exceed a total of eighteen (18) square feet in area, with a maximum of two (2) sides of nine (9) square feet each per side, pertaining only to the lease, hire or sale of the building or premises on which such sign is located, and campaign signs related to elections and signs advertising on-premises sales or auctions, provided such signs are removed within two (2) days following the election or sale.

B. One monumental sign or pole sign for use as outdoor identification and bulletin boards for churches, schools, institutional and other public buildings will be permitted on the premises of such use, subject to approval of the Planning and Zoning Commission.

C. One monumental sign for identification of the complex shall be permitted on the premises of any multiple-family dwelling complex. Such sign shall be of ornamental metal, stone, masonry, or other permanent material and shall indicate only the name of such multiple-family complex and other informational messages required by law. Such sign shall not exceed thirty-two (32) square feet in surface area and shall be a maximum of eight (8) feet in height above the ground. No part of any such signs shall be located closer than five (5) feet from public right-of-way and shall not be located closer to an intersection than twenty-five (25) feet as measured each way from the intersecting right-of-way lines so as not to impede the vision of the traveling public.

3. Signs Permitted in C-1 Districts On-Site.

A. Monumental or Pole Sign.

(1) One monumental sign on each street on which a business abuts shall be permitted. Such signs shall pertain only to a use conducted on the premises. No part of any such signs shall be located closer than five (5) feet from public right-of-way and shall not be located closer to an intersection than twenty-five (25) feet as measured each way from the intersecting right-of-way lines so as not to impede the vision of the traveling public. Such signs shall be ornamental metal, stone, masonry, or other permanent material and shall indicate only the name of the business operating on the premises. Such sign shall not exceed eighty (80) square feet in surface area per side, with a maximum of two (2) sides, and shall be a maximum of ten (10) feet in height above the ground; or

(2) One pole sign on the premises that a business is located; provided, however, said pole sign shall not have a surface area greater than eighty-five (85) square feet on any one side thereof and not more

than two (2) sides on said pole sign shall be used for advertising purposes. Said pole sign shall not extend over street right-of-way lines or otherwise obstruct or impair the safety of pedestrians or motorists

and shall be a maximum of twenty-five (25) feet in height above the ground.

B. One wall sign on each street on which a business abuts shall be permitted pertaining only to a use conducted on or product sold on the premises. In no case shall any sign project more than four (4) feet above the roofline of parapet wall.

C. One roof sign upon the structure in which the business is located, provided however, that said roof sign does not have a surface area greater than eighty (80) square feet on any side thereof and that not more than two (2) sides on said roof sign shall be used for advertising purposes. Said roof sign shall not extend or project more than four (4) feet above the roof line or parapet wall.

D. Any number of signs affixed or painted on windows or doors or any sign contained within the premises for the purpose of messaging outside the premises.

E. Any number of portable signs including banners for the specific use of advertising a special event or sale, provided that such signs are in place for short term duration not to exceed thirty (30) days. Such portable signs shall be placed only after obtaining a temporary sign permit from the City's Public Works Director. A maximum of two (2) such permits shall be issued within a consecutive 12-month period for each building premises.

F. The total area of all signs pertaining to the business conducted on any premises shall not exceed a total area of two hundred (200) square feet.

4. Signs Permitted in C-2 Districts On-Site.

A. One wall sign on each street on which a business abuts shall be permitted. The sign shall pertain only to a use conducted on the premises. No sign may project over any street line or right-of-way line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roofline, or parapet wall.

B. Any number of signs affixed or painted on windows or doors or any sign contained within the premises for the purpose of messaging outside the premises.

C. One roof sign upon the structure in which the business is located, provided however, that said roof sign does not have a surface area greater than eighty (80) square feet on any side thereof and that not more than two (2) sides on said roof sign shall be used for advertising purposes. Said roof sign shall not extend or project more than four (4) feet above the roof line or parapet wall.

D. Any number of portable signs including banners for the specific use of advertising a special event or sale, provided that such signs are in place for short term duration not to exceed thirty (30) days. Such portable signs shall be placed only after obtaining a temporary sign permit from the Public Works

Director. A maximum of two (2) such permits shall be issued within a consecutive 12-month period for each building premises.

E. The total area of all signs pertaining to the business conducted in any building shall not exceed a total area of one hundred fifty (150) square feet.

5. Signs Permitted in M-1 and M-2 Districts.

- A. Monumental or Pole Sign.
- (1) One monumental sign on each street on which a business abuts is permitted. Such signs shall pertain only to a use conducted on the premises. No sign may project more than six (6) feet over any building setback line. Such signs shall be ornamental metal, stone, masonry, or other permanent material and shall indicate only the name of the business operating on the premises. Such sign shall not exceed eighty (80) square feet in surface area per side, with a maximum of two (2) sides, and shall be a maximum of ten (10) feet in height above the ground; or
- (2) One pole sign on each street on which a business abuts, provided however, that said pole sign shall not have a surface area greater than eighty-five (85) square feet on any one side thereof and that not more than two (2) sides on said pole sign are used for advertising purposes. Said pole sign shall not extend over street right-of-way lines or otherwise obstruct or impair the safety of pedestrians or motorists and shall be a maximum of twenty-five (25) feet in height above the ground.
- B. One wall sign on each street on which the business abuts shall be permitted pertaining only to a use conducted on the premises. In no case shall any sign project more than four (4) feet above the roofline or parapet wall.
- C. One roof sign upon the structure in which the business is located, provided however, that said roof sign does not have a surface area greater than eighty (80) square feet on any side thereof and that not more than two (2) sides on said roof sign are used for advertising purposes. Said roof sign shall not extend or project more than four (4) feet above the roof line or parapet wall.
- D. Any number of signs affixed or painted on windows or doors or any sign contained within the premises for the purpose of messaging outside the premises.
- E. Any number of portable signs including banners for the specific use of advertising a special event or sale, provided that such signs are in place for short term duration not to exceed thirty (30) days. Such portable signs shall be placed only after obtaining a temporary sign permit from the Public Works Director. A maximum of two (2) such permits shall be issued within a consecutive 12-month period for each building premises.
- F. The total area of all signs pertaining to the business conducted in any building shall not exceed a total area of three hundred (300) square feet.

167.04 GENERAL REGULATIONS.

1. Signs may be internally or externally lit provided that any external lighting is shielded and not directed toward or allowed to emit light to any adjoining property.
2. No sign shall contain flashing or strobe lighting. Electronic message scroll signage is allowed provided the message does not flash. The total dimensions of the

message board shall be considered the size of such sign for calculation of the area of such sign.

3. All signs not specifically permitted by this chapter are prohibited.
4. Billboards are not permitted in any district within the City limits.
5. All signs shall be maintained in good repair and in good working order, free from deterioration to its lighting; fit and finish.

167.05 NONCONFORMING SIGNS.

1. Within the districts referred to in this chapter or amendments that may later be adopted, there exist signs which were lawful before the ordinance codified in this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment.
2. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other signs prohibited elsewhere in the same district.
3. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any sign which exists prior to the effective date of adoption or amendment of the ordinance codified in this chapter. Where, at such effective date, a lawful sign exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued subject to the following provisions:
 - A. No such nonconforming sign shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this chapter.
 - B. No such nonconforming sign shall be moved in whole or in part to any other portion of the lot or parcel occupied by such sign at such effective date.
 - C. If any such nonconforming sign is damaged, removed or ceases for any reason, and is not replaced or repaired within one hundred eighty (180) days from the date the original sign was first damaged or removed, any subsequent sign shall conform to the regulations specified by this chapter for the district in which such sign is located.

167.06 ADMINISTRATION, ENFORCEMENT AND APPEALS. The Public Works Director shall administer and enforce this chapter. The Public Works Director may be provided with the assistance of such other persons as the Council may direct. If the Director finds that any of the provisions of this chapter are being violated, said officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Public Works Director shall take any action authorized by the Zoning Ordinance to insure compliance with or to prevent violation of its provisions. Variances from the requirements herein or appeals to the decision of the Public Works Director on any matter of compliance with this chapter may be made to the Board of Adjustment in accordance with the procedures and requirements of Section 165.21 of this Code of Ordinances.

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CHAPTER 170

SUBDIVISION CONTROL

170.01	Jurisdiction	170.07	Preliminary Plat Requirements
170.02	Definitions	170.08	Final Plan Requirements
170.03	Procedure	170.09	Fees
170.04	Subdivision Design Standards	170.10	Variations and Exceptions
170.05	Street Construction	170.11	Enforcement
170.06	Improvements	170.12	Changes and Amendments

170.01 JURISDICTION. This chapter governs the subdivision of all lands within the corporate limits of the City and, pursuant to Section 354.9 of the *Code of Iowa*, this chapter shall also govern all lands lying within two (2) miles of the said corporate limits.

170.02 DEFINITIONS. For the purpose of this chapter, the following terms and words are defined.

1. “Architect” means a registered architect authorized to practice architecture as defined by the laws of the State.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, parks, railroad or similar fixed land division and/or the exterior boundaries of the subdivision.
3. “Building lines” means setback lines and outline the building area of a lot which remains after the required yard areas have been provided for. 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 the Zoning Regulations. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
4. “City Inspector” means the person or persons appointed by the Council to act in that capacity.
5. “Collector streets” means those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
6. “Commission” means the Planning and Zoning Commission of the City.
7. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

8. “District” means a section or sections of land area depicted on the Official Zoning Map within which the regulations governing the use of buildings and premises or the height of buildings and area of sites are uniform.

9. "Easement" means a grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.

10. "Engineer" means a registered engineer authorized to practice civil engineering as defined by the laws of the State.

11. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

12. "Maintenance bonds" means maintenance bonds issued by a responsible surety company and shall be required as follows:

- | | | |
|----|-----------------|-------------------------|
| A. | Streets | 4-year maintenance bond |
| B. | Sanitary Sewers | 4-year maintenance bond |
| C. | Storm Sewers | 4-year maintenance bond |
| D. | Water Mains | 4-year maintenance bond |
| E. | Sidewalks | 4-year maintenance bond |

The amount of the maintenance bond shall be one hundred percent (100%) of the construction cost of the improvement and shall be determined by the City Engineer.

13. "Major thoroughfare" means a street used primarily for fast, intense volume, mixed vehicular, through traffic.

14. "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, while limiting access to the major thoroughfare.

15. "Minor street" means a street used primarily for access to the abutting properties.

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

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

18. "Street" means the entire width between the property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic and others, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or however otherwise designated.

19. "Subdivider" means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing

or proposing to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.

20. "Subdivision" means a division of land into three (3) or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, or any change in existing street lines or public easements. The

term, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or the resubdivision of land previously divided or platted into lots or other divisions of land or, if a new street is involved, any division of land. A subdivision plat shall be made when a tract of land is subdivided by repeated divisions or simultaneous division into three (3) or more parcels. A subdivision plat is not required when land is divided by conveyance to a governmental agency for public improvements. "Tract" is defined as an aliquot part of a section, a lot within an official plat, or a government lot. "Aliquot part" is defined as a fractionally part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

21. "Surveyor" means a registered surveyor authorized to practice surveying as defined by the Registration Act of the State.

170.03 PROCEDURE. In obtaining final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat and a final plat in accordance with the following order and procedure:

1. The subdivider shall first prepare and file with the Clerk four (4) copies of a preliminary plat conforming in detail to the requirements set forth in this chapter. Six copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City.
2. The Clerk shall forthwith refer two (2) copies to the City Inspector and two (2) copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer two (2) copies of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plat and actions taken thereon.
3. The City Inspector shall carefully examine said plat as to its compliance with the laws and ordinances of the City, the existing street system, and good engineering practices and shall as soon as possible submit findings in duplicate to the Commission.
4. After receiving the City Inspector's report, the Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made by the subdivider. The Commission shall approve or reject such plan within forty-five (45) days after the date of submission thereof to the Commission. If the Commission does not act within forty-five (45) days, the preliminary plat shall be deemed to be approved, provided however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the preliminary plat shall be null and void unless the final plat

is presented to the Commission within one hundred eighty (180) days after date of approval.

5. Before approving a preliminary plat, the Commission may in its discretion hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution or by posting notices on the tract or by sending notices to affected property owners by mail. Such notice shall be given not less than four (4) or more than twenty (20) days prior to the public hearing.

6. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat together with any detailed construction drawings and specifications for the improvements required under this chapter.
7. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans and information as listed in Section 170.08 of this chapter necessary for the detailed engineering consideration of the improvements required under this chapter and obtain approval of the City Inspector which shall be endorsed thereon.
8. The final plat shall be filed in duplicate together with a certificate from the City Inspector that the final plat is substantially in accord with the preliminary plat as approved by the Commission.
9. The Commission shall then consider the final plat and if the same is approved, shall submit its recommendation of approval to the Council together with a certified copy of its resolution showing action of the Commission.
10. The Council shall then consider the plat and if the same is acceptable and in accordance with this chapter, the Council shall accept the same. If said plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.
11. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Marion County, Iowa, as provided in Chapter 354 of the *Code of Iowa*, and amendatory acts thereto, and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in full force and effect.

170.04 SUBDIVISION DESIGN STANDARDS.

1. Blocks.
 - A. No block shall be longer than one thousand three hundred twenty (1,320) feet except as approved by the Commission.
 - B. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet; where, at any one intersection, a curve radius has been previously established, such radius shall be used as standard.
2. Easements. Easements for utilities shall be provided along rear or side lot lines or long 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 it will properly carry the surface water, and shall reserve or dedicate to the City an easement along each side of the stream. Such easements shall be for the purpose of widening, improving, maintaining, or protecting the stream. The width of such easements shall be not less than twenty (20) feet each, plus the stream design width and the total width of the easement shall be adequate to provide for any necessary channel straightening or relocation.
3. Lots.
 - A. Corner lots shall be not less than twenty (20) feet greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.

- B. Double frontage lots other than corner lots are prohibited except where such lots back onto a major street or highway or except in the case of large commercial or industrial lots. Such double frontage lots shall be buffered from the rear street frontage by permanent screen walls, planting screens, or other screening method deemed acceptable by the Commission. Ingress/egress shall be limited to the frontage street and is strictly prohibited on the rear street.
 - C. Each lot shall be provided by means of a public street with satisfactory access to an existing public street.
 - D. Each lot shall be provided with not less than twenty (20) feet of access frontage to a public street.
 - E. No lot shall be less in size or shape required to provide an adequate building site in compliance with the Zoning Regulations.
 - F. Lot Size. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:
 - (1) Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than two (2) acres or the minimum permitted by the Zoning Regulations, whichever is larger.
 - (2) Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of eighty (80) feet and an area of two (2) acres or the minimum permitted by the Zoning Regulations, whichever is larger.
 - G. Side lot lines where possible shall be at right angles or radial to the street lines.
4. Concrete Monuments. Monuments shall be placed at block corners, point of curves. Iron rods shall be placed at the change in direction along lot lines and at each lot corner.
5. Streets and Right-of-Ways.
- A. 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.
 - B. 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.
 - C. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan.
 - D. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of an existing street (constructed or recorded) in adjoining property at equal or greater width, but not less than sixty (60) feet in

width, except cul-de-sacs and in similar alignment, unless variations are recommended by the Commission and approved by the Council.

E. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall comply with the minimum requirements set forth on Sketch 1 at the end of this chapter, as applicable.

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

G. 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.

H. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a Master Plan of the entire tract of land under the ownership, mortgage purchase options or other agreements for deed.

I. Major Thoroughfares. When a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, the street layout shall provide motor access to such frontage by one of the following means:

(1) A parallel street supplying frontage for lots backing on the trafficway.

(2) 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 highways.

(3) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.

(4) A service drive or alley at the rear of the lots. Where any 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.

J. 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.

K. 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.

L. Railroads. If a railroad is involved, the subdivision plat should:

(1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.

(2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back onto railroad, or form a buffer strip for park, commercial or industrial use.

(3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back onto the railroad.

M. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets

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

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

O. 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 City in order to avoid duplication or close similarity of names.

P. Driveways. All newly constructed driveways shall be surfaced with Portland Cement Concrete or asphaltic material or shall be dust-proofed in some other manner as may be approved by the Council and shall be maintained in a dust-free condition. Driveways shall include all residential, commercial, industrial or institutional access drives and parking lots and shall be hard surfaced in the right-of-way and on private property. Any addition or alteration in excess of fifty percent (50%) of the main floor area shall reconstruct the driveway with the aforementioned material.

170.05 STREET CONSTRUCTION.

1. General Considerations.
 - A. The street layout shall provide access to all lots and parcels of land within the subdivision.
 - B. Street jogs of less than one hundred fifty (150) feet shall be avoided.
 - C. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.
 - D. No dead-end streets will be permitted except at subdivision boundaries.
 - E. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is shown in the master street plan.
 - F. Alleys shall not be allowed.
 - G. Intersection of road centerlines shall be between eighty (80) degrees and one hundred (100) degrees.
 - H. Intersection of more than two (2) streets at a point is not permitted.
 - I. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street. Names of new streets shall avoid duplication of or similarity to existing names of streets or public and semipublic buildings and areas.
2. Requirements. All streets shall be installed according to the Iowa Department of Transportation requirements.
3. Minimum Rights-of-way. The minimum rights-of-way shall be provided as follows:
 - A. Thoroughfares - 80 feet
 - B. Residential collector streets - 70 feet
 - C. Commercial collector streets - 80 feet
 - D. Residential streets - 60 feet
 - E. Cul-de-sac streets - 50 feet
4. Street Width. All construction of new streets within the City shall be concrete pavement with a minimum width of surfacing to be provided as follows:
 - A. Thoroughfare streets - 45 feet
 - B. Residential collector streets - 45 feet if parking on both sides of street or 31 feet if parking on one side of street.
 - C. Commercial collector streets:
 - (1) Parallel parking - 45 feet
 - (2) No angle parking
 - D. Residential streets - 28 feet if no parking on either side of street or 31 feet if parking on one side of street.
5. Backfilling. The area between the back of the curb and the sidewalk or property line shall be backfilled to the top of the curb and sloped to the sidewalk or property line. All backfill material shall be free of rocks and other debris.

170.06 IMPROVEMENTS. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warrant the design, material

and workmanship of such improvements, installation and/or construction for a period of four (4) years from and after completion. Such warrant shall be by bond or other acceptable collateral; shall be subject to review by the City Attorney; shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the City from any and all costs or losses resulting from or contributed to by such defective improvements. The developer shall provide construction drawings to the City for review and recommendation by the City Engineer and Planning and Zoning Commission and approval by the Council for all public improvements. Documents shall include as a minimum, grade plan, plan and profiles for sanitary sewer, water main, storm sewer and pavements, and any other such details as required to demonstrate the proposed construction, and shall include submittal of any and all permit requests as required by the Iowa Department of Natural Resources. No construction shall commence unless and until the construction drawings have been approved by the Council. Before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements and agreements between the subdivider and the City. This requirement may be waived if the subdivider posts a performance bond or certified check with the City guaranteeing that said improvements will be constructed within a period of one year from final acceptance of the plat; however, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City. If a performance bond is posted, such bond shall be subject to review by the City Attorney prior to acceptance, shall specifically assure the expedient installation and completion of all improvements within the specified construction time period, and shall indemnify the City from any and all costs or losses of the development and construction. The Council may waive the requirements of this chapter for the construction and installation of some or all of the improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed; provided, however, such waiver shall be limited to existing improvements in good repair as determined by the City Engineer. Improvements not existing or in poor repair shall meet the requirements of this chapter. The Council may waive the requirements of this chapter for the construction and installation of some or all of the improvements in cases of dedications of land or right-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

1. All Improvements. All plans, specifications, installation and construction required by this chapter shall be subject to the review, approval, and inspection by the City Engineer or other authorized City representative. The subdivider shall furnish the City Engineer with a construction schedule prior to commencement of any and/or all construction; and shall notify the City Engineer, not less than twenty-four (24) hours in advance of readiness for required inspections.
2. Curb and Gutter. Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the Council after receiving the report and recommendation of the City Engineer.
3. Drainage. All subdivisions shall include storm drainage plans for the positive removal of storm waters. Such plans shall be prepared by a registered Engineer and

approved by the City Engineer. The following criteria shall be considered minimum standards:

- A. Run-off for street and limited area drainage shall be determined by the rational method.
 - B. Area run-off shall be determined by a suitable empirical formula.
 - C. Storm frequency chart for determination for rainfall intensity shall be not less than ten (10) years.
 - D. The system shall be designed with the use of materials, flow velocities and sizes so as to assure long life, low maintenance and self-cleaning of the drainage facilities. Storm sewers less than fifteen (15) inches inside diameter must be approved by the City Engineer.
 - E. Underground storm drainage facilities shall be located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* shown on Sketch No. 2 and additional diagrams at the end of this chapter.
 - F. The designing engineer shall upon the completion of construction certify to the City that the drainage facilities have been constructed and installed in accordance with the plans and specifications which have been designed to comply with the intent of this chapter.
4. Gas. Gas mains shall be installed underground and located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* shown on Sketch No. 2 and additional diagrams at the end of this chapter.
 5. Sidewalks.
 - A. Sidewalks shall be required in front of and adjacent to each lot frontage for each lot within the subdivision and shall be constructed to the grade approved by the Council after receiving the report and recommendation of the City Engineer.
 - B. All sidewalks shall be constructed with 4-inch Portland cement concrete and shall be four (4) feet in width.
 - C. Additional width may be required in commercial areas if deemed necessary by the Council.
 - D. Half-inch expansion joints shall be placed at all points where the sidewalk abuts an existing curb, concrete slab or concrete driveway and at lot line.
 6. Sewer. The subdivider shall provide each lot in the subdivision with connection to the sewer. Further, where the existing sewer may be reasonably extended through the subdivision so as to provide for continuous future development, such provisions shall be made. All sanitary sewers shall be installed as for City and State specifications and shall be located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* as shown on Sketch No. 2 and additional diagrams at the end of this chapter. All house laterals shall be installed to the right-of-way line prior to paving of the street. Sanitary sewers shall have a minimum diameter of eight (8) inches and be made available to each lot. Any plat that cannot reasonably be served by public sewer

shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be in accordance with the State Board of Health. The designing engineer shall furnish the City with three (3) certified copies of as-built plans and certify

that the facilities have been installed in accordance with the plans and specifications. As-built plans shall specifically show service line stub locations.

7. Utility Cables. All utility cables shall be placed underground. Underground cables shall be required and located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* shown on Sketch No. 2 and additional diagrams at the end of this chapter or shall be placed at the back lot lines within the area of perpetual easement.

8. Water Lines. The subdivider shall connect with such water main and provide a water connection for each lot and stubbed in to the proper line in accordance with the Water Department standards, procedure and supervision. Water mains shall extend to the boundary of the subdivision to provide for continued future development. All water mains shall be installed as for City and State specifications and shall have a minimum diameter of six (6) inches with larger sizes for feeder main. Water mains shall be located to comply with the *Typical Standards for Utility Locations within Public Right-of-Ways* as shown on Sketch No. 2 and additional diagrams at the end of this chapter, or shall be placed at the back lot lines within the area of perpetual easement, with a minimum cover of sixty-six (66) inches. Water lines shall be available to each lot, and such service lines shall be installed prior to paving of the street. The designing engineer shall furnish the City with three (3) certified copies of as-built plans and certify that the facilities have been installed in accordance with the plans and specifications. As-built plans shall specifically show service line stub locations.

170.07 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a record plat and shall be submitted for review separately and prior to submission of the final plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider or a representative may call at the office of the Commission in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. Number of Copies and Scale. Four (4) copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be 1" = 50' on small subdivisions and 1" = 100' on large subdivisions unless otherwise approved by the Commission.
2. Contents of Preliminary Plat.
 - A. Areas dedicated for public use, such as schools, park, playgrounds and streets.
 - B. Boundaries of the proposed subdivision shall be labeled and indicated by a heavy line.
 - C. Building setback lines for frontage and side streets.
 - D. Contour lines at intervals of not more than five (5) feet, MSL datum.
 - E. Corner radii.
 - F. Easements for public utility purposes.
 - G. Existing buildings, railroads, underground utilities, other rights-of-way and easements

- H. Location and names of adjoining subdivisions.
 - I. Location, names and widths of all existing and proposed roads, alleys, streets and highways in and adjoining the area being subdivided.
 - J. Lot areas (approximate) of all non-rectangular lots and the area of smallest rectangular lot.
 - K. Lot numbers.
 - L. Names and addresses of engineer and surveyor.
 - M. Names and addresses of recorded owner and/or developer.
 - N. Name of subdivision, date, compass point, scale and official description and acreage of the property being platted.
 - O. Proposed lot lines with approximate dimensions.
 - P. Proposed utility service.
 - (1) Source of water supply.
 - (2) Provisions for sewage disposal, drainage and flood control.
3. Accompanying Material.
- A. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be made in accordance with the specifications approved by the City Engineer.
 - B. Restrictions proposed, if any, to be included in the owner's dedication of the plat.
 - C. Written statement of the appropriate officials of the availability of gas and electricity to the proposed subdivision.
 - D. Written and signed statements explaining how and when the subdivider proposes to install all improvements required by this chapter. Such statement shall acknowledge required inspections and approvals by the City Engineer.

170.08 FINAL PLAT REQUIREMENTS.

- 1. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit six (6) copies of the final plat for review by the Commission. The scale of the map shall be 1" = 100' on large subdivisions, unless otherwise approved by the Commission.
- 2. Contents of Final Plat. The final plat shall be drawn in India ink on reproducible linen, Mylar film, or approved equivalent on an 18 x 24-inch or 24 x 36-inch sheet size with a border line allowing a three (3) inch binding margin along the left hand narrow width and a one-half-inch margin on the remaining narrow width and two (2) long sides. The following information shall be shown on the plat:
 - A. Block lines shall be designated by heavy solid lines.
 - B. Block corners shall be shown rounded by appropriate radius with arch length (A=), chord (ch=), central angle (L=), radius (R=) and Tangent (T=) shown.
 - C. Boundary lines shall be designated by a heavy line (#3 or #4 pen) of long dash/two dots, etc., and labeled "Plat Boundary."
 - (1) Boundary dimensions from angle point to angle point shall be shown for all sides of the closed traverse.

- (2) Bearings, based on an assumed meridian approximating North, of all boundary lines or internal angles of all angle points on the boundary shall be shown.
- D. Building setback lines for frontage and side streets shall be designated by a fine short dashed line, labeled "Building Setback Line" and dimensioned.
- E. Centerlines of all street rights-of-way shall be designated by a fine line (#0 or #00 pen) of long dash/short dash or dot, etc., and dimensions from angle point to angle point, point of curvature to point of tangency, intersection to intersection or any combination thereof between intersections with the appropriate bearings, angles, curve data, right-of-way widths and distances clearly shown. Curve data shall include arc length (A=), chord (ch=), central angle (L=), radius (R=), and tangent (T=). All points of curvature (P.C.) and points of tangency (P.T.) shall be located and labeled.
- F. Certification by a registered engineer and/or land surveyor in accordance with State law.
- G. Easements for public utilities and drainage facilities shall be designated by fine line (#0 or #00 pen) of medium length dashes and appropriately labeled with reserved width and type of "easement."
- H. Fractional lines and corners of the government township and section surveys shall be appropriately labeled and dimensioned as applicable to the plat. All plats shall be tied to a known section or fractional corners by distances and bearings or angles.
- I. Legal description of the platted area shall be included on the plat.
- J. Lot lines shall be designated by medium fine (#0 or #1 pen) solid lines.
- K. Lots shall be numbered consecutively, all sides dimensioned. The bearings or corner angles of all lot lines which are not parallel to the block lines shall be shown and lines intersecting a curbed line shall be labeled as radial or not radial as applicable. Dimensions of lot lines which are curved shall include appropriate curve data; arc length (A), chord (ch) and central angle (L); where the radius is not shown elsewhere it shall be shown. The area of all rectangular lots shall be shown to the nearest one hundred (100) square feet.
- L. Permanent reference monuments shall be labeled (P.R.M.) and located.
- M. Scale shall be indicated graphically as the scale in feet along with the compass point.
- N. Street names, location, lot designation and right-of-way width for all streets within or abutting the plat shall be shown.
- O. Surveyor's notes shall include the following as appropriate or applicable to the particular plat:
- (1) All bearings are based on an assumed meridian for computation purposes.
 - (2) Block corner radii are twenty-five (25) feet unless noted otherwise.
 - (3) Dashed lines shown at the rear or sides of certain lots are "easements" reserved for the installation and maintenance of public utilities and drainage facilities.

- (4) Any other notes deemed necessary for the particular plat.
3. Accompanying Material.
- A. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
- B. 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.
- C. 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.
- D. 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*.
- E. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
- F. Performance bond, if any.
- G. A warranty deed to the City properly executed for all streets intended as public streets and for any other property intended for public use.
- H. Plans and profiles of all streets and alleys at a fifty-foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles shall be drawn with North oriented to the top or left side of the drawing.
- I. Drainage plans for the positive removal of storm water.
4. Recording Plat. There shall be three (3) copies stamped as approved by the Council:
- A. The original linen tracing, Mylar, or approved equal shall be retained for file by the Clerk.
- B. One copy shall be filed with the County Recorder.
- C. One copy with accompanying resolution by the Council approving and accepting the plat shall be filed with the County Auditor. This copy must be accompanied by the statement of the owner and spouse.

170.09 FEES. Filing fees shall be set by resolution of the Council.

170.10 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 interests of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

170.11 ENFORCEMENT.

1. No plat of 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.
2. 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 street has been approved in accordance with the provisions contained herein and accepted by the Council as a public street.

170.12 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least four (4) and not more than twenty (20) days prior to such hearing.

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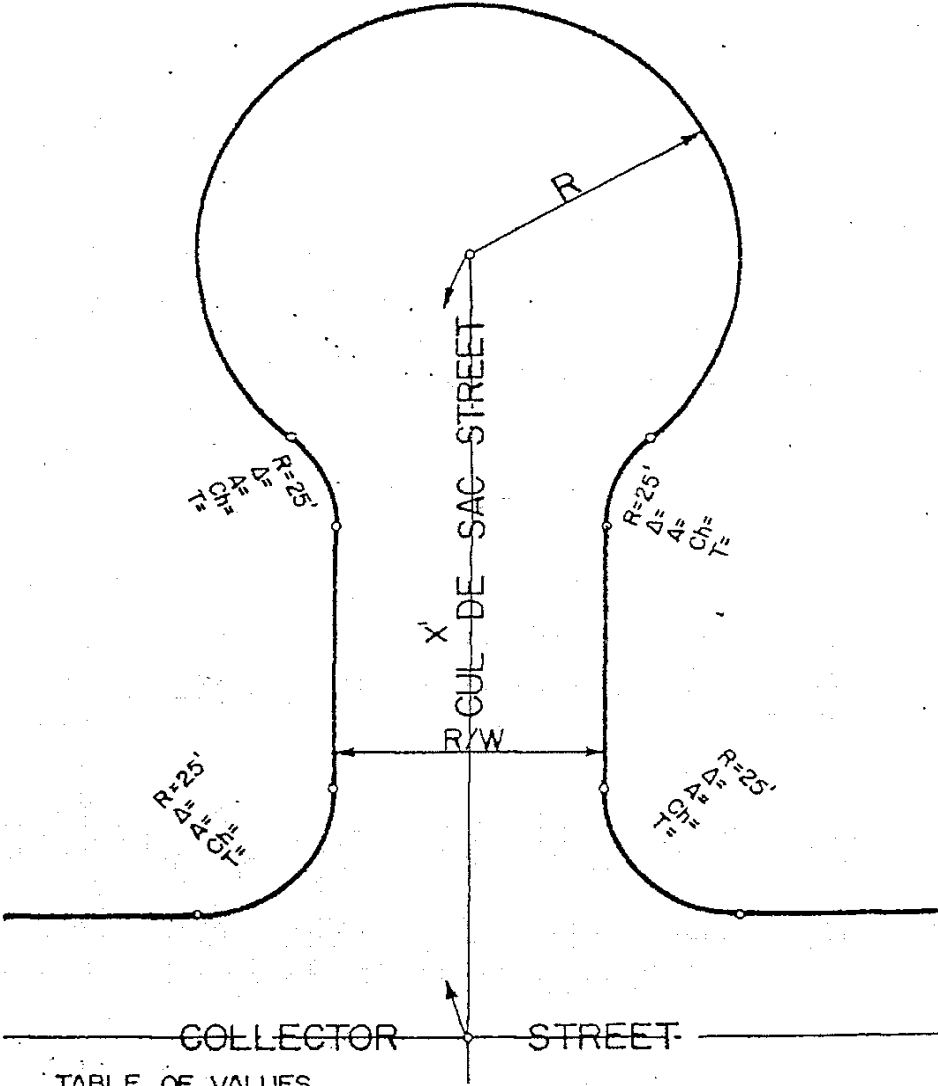
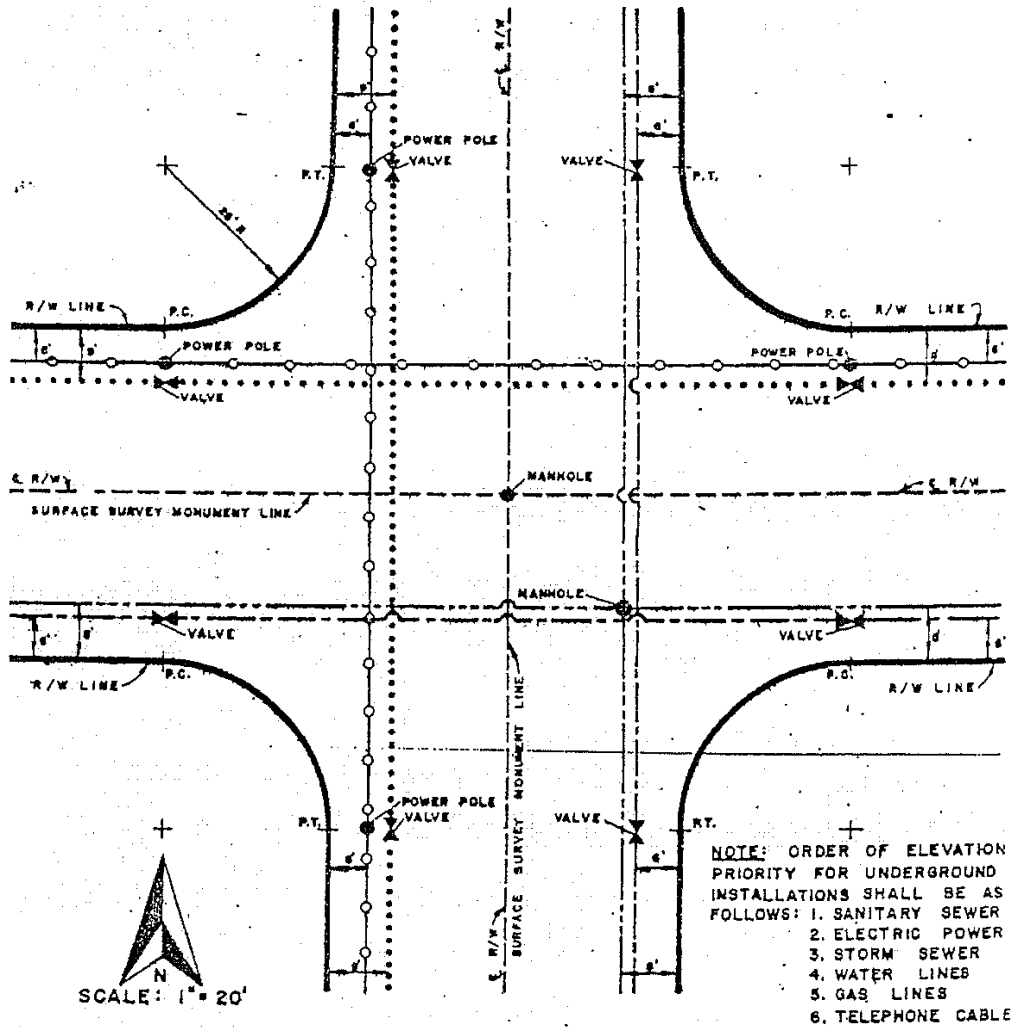


TABLE OF VALUES

LENGTH OF X	RESIDENTIAL USE		COMMERCIAL-INDUSTRIAL USE	
	R	R/W	R	R/W
600	52	50	52	50

STANDARDS
FOR
NORMAL CUL-DE-SAC
RIGHT-OF-WAY

SKETCH NO. 2

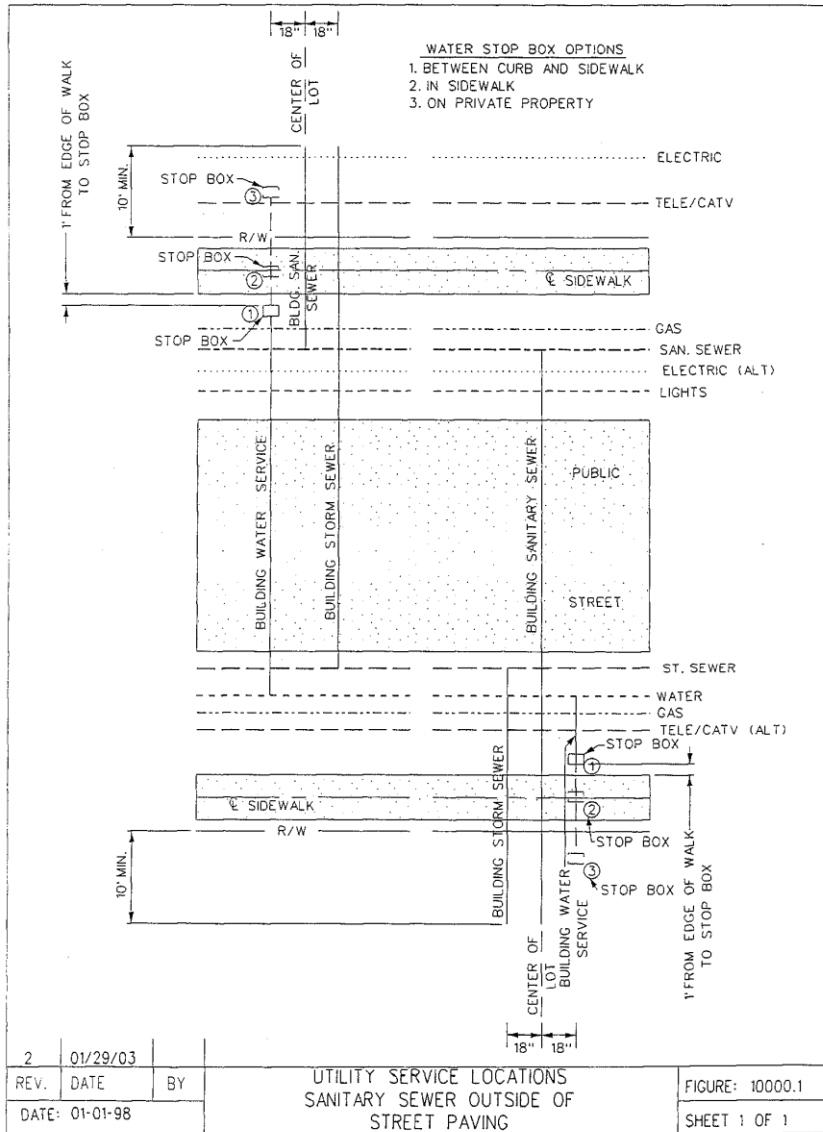


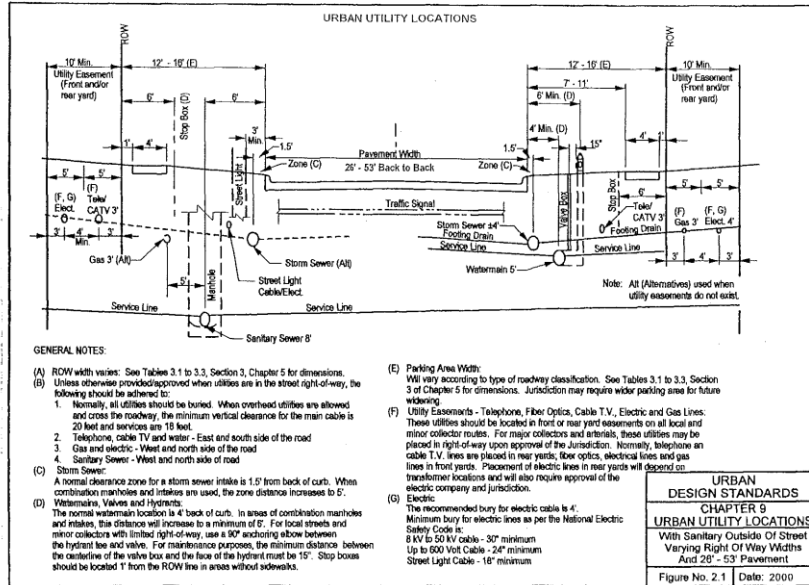
TYPICAL STANDARDS FOR UTILITY LOCATIONS WITHIN PUBLIC RIGHT-OF-WAYS

LEGEND

- DENOTES SANITARY SEWER (UNDERGROUND)
- DENOTES WATER LINE (UNDERGROUND)
- DENOTES GAS LINE (UNDERGROUND)
- DENOTES STORM SEWER (UNDERGROUND)
- DENOTES TELEPHONE & POWER LINES (ABOVE OR UNDERGROUND)

URBAN STANDARD SPECIFICATIONS for PUBLIC IMPROVEMENT MANUAL





URBAN DESIGN STANDARDS MANUAL
CHAPTER 9 - UTILITY LOCATION
SECTION 2 - UTILITY LOCATION
DESIGN

Figure 1-2: Standard water main location at cul-de-sac

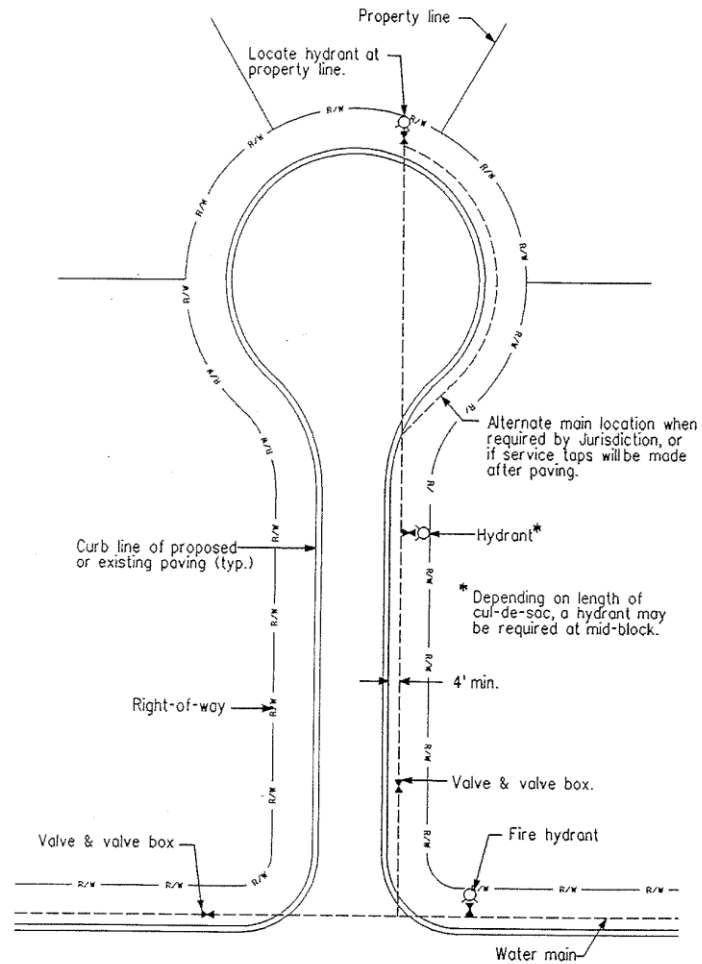
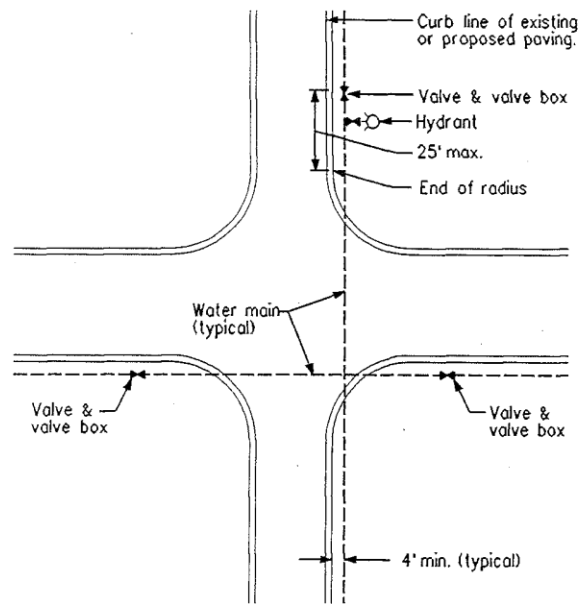


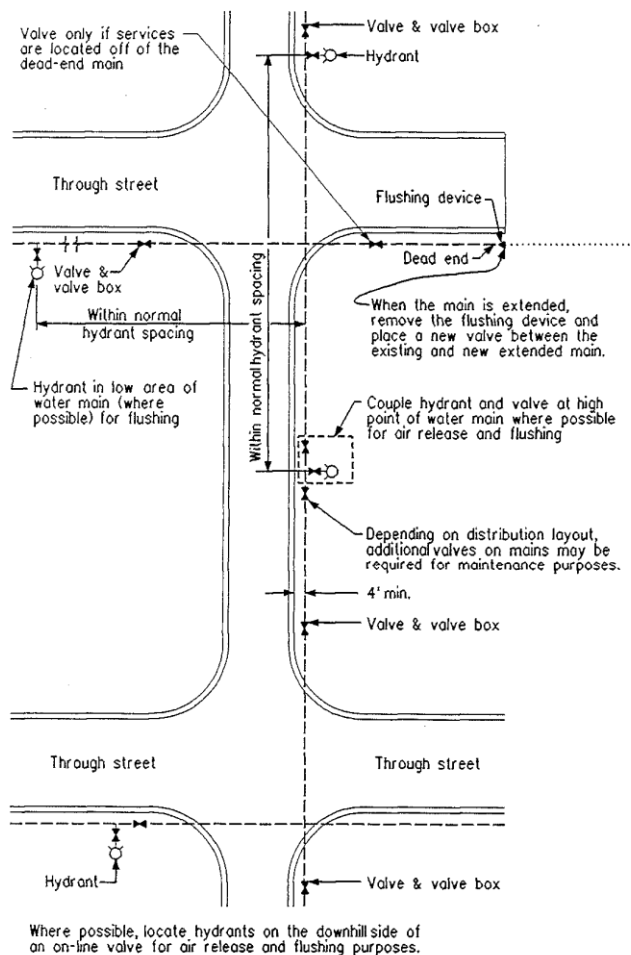
Figure 2-3: Standard water main location



Notes:

1. Install three valves and one fire hydrant at each intersection except T-intersections, which will have two valves.
2. When possible, locate fire hydrant near high point.
3. Locate fire hydrants within 25 feet of intersection return radius, but outside of radius to avoid conflicts with storm sewers and intakes.

Figure 3.4: Standard water main location



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[The next page is 775]