

# ZONING AND SUBDIVISION

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## CHAPTER 165

# ZONING REGULATIONS

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## GENERAL PROVISIONS AND DEFINITIONS

**165.01 PURPOSE.** The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Iowa Falls, Iowa.

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

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
3. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots

created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

#### **165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.**

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the Seal of the City, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 165.03(1) of the Code of Ordinances of the City of Iowa Falls, Iowa," together with the date of adoption.

If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "By official action of the City Council, the following changes were made on the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

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

2. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Code of Ordinances of the City of Iowa Falls, Iowa."

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

**165.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.
8. Whenever Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation.
9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

**165.05 DEFINITIONS.** For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows. The words “used or occupied” include the words “intended, designed or arranged to be used or occupied.” The word “lot” includes the words “plot or parcel.”

1. “Abutting” means having property or district lines in common.
2. “Access” means a way of approaching or entering a property from a public street.
3. “Accessory Buildings” means a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.
4. “Accessory Use” means a use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
5. “Agriculture” means the production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.
6. “Alley” means a public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.

7. "Basement" means a story having part but not more than one-half (½) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
8. "Bed and Breakfast Houses" means a house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
9. "Board" means the Board of Adjustment.
10. "Boarding Houses" means a building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
11. "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 and not including structures, or vehicles originally designed for transportation purposes.
12. "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.
13. "Clinic" means an establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together. "Clinic" shall also be construed to include veterinary clinics which may house small animals for an extended period of time provided that all phases of the business are conducted within a building where noises and odors are not evident.
14. "Convenience Store" means any retail establishment offering for sale pre-packaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption.
15. "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.
16. "Dwelling" means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin or trailer. Dwellings shall be permanently affixed to the real estate and taxed as real property.
17. "Dwelling, Multiple" means a building or portion thereof designed for or occupied exclusively for residence purposes by three (3) or more families. This may include, but not be limited to, such buildings as commonly referred to as condominiums, apartment buildings or row/cluster buildings.
18. "Dwelling, One-family, Bi-attached" means a dwelling designed for or occupied by one (1) family and which is erected on a separate lot and is joined to another such residence on one side only by an approved wall located on the lot line and which has yards on the remaining sides.
19. "Dwelling, Single-family" means a building designed for or occupied exclusively by and for residence purposes by one (1) family and having no common walls with other dwellings.
20. "Dwelling, Two-family" means a building designed for or occupied exclusively by and for residence purposes by two (2) families.

21. "Family" means a group of persons occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two (2) persons not related by blood, marriage, adoption or legal process.

22. "Family Home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237, Code of Iowa, to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, "family home" does not mean an individual foster care family home licensed under Chapter 237, Code of Iowa.

23. "Floor Area" means the total number of square feet of floor area within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes it shall be counted as floor area in computing off-street parking requirements.

24. "Foundation" means the minimum requirements for the foundation of a dwelling or for a manufactured home, placed outside of an approved mobile home park, shall be a perimeter trench footing that is no smaller than the width and length of the proposed home. The minimum trench footing width shall be four (4) inches but, in no event, no less than the width of the foundation wall. The trench footing depth shall be forty-two (42) to forty-eight (48) inches. No reinforcement is required. The foundation wall shall be four (4), six (6), or eight (8) inch block, brick, or stud wall, with siding to match the home. An access door to the underfloor space shall be provided. All other State support and tie-down requirements shall be met. It is the intent herein to provide a foundation which is compatible with the structural design of a home or of a manufactured home, and which ensures visual compatibility with surrounding residential structures.

25. "Frontage" means all the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street, but not including property more than four hundred (400) feet distant on either side of a proposed building or structure.

26. "Garage" means a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.

27. "Garage, Private" means a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

28. "Garage, Public" means any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling, or storing motor driven vehicles. The term "repairing" does not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

29. "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

30. "Group Home" means any building used for a residential purpose by a group of people numbering three (3) or more who are not related by blood, marriage, adoption or legal process and who are congregated together due to a physical handicap, a mental handicap, a mutual disadvantage or a common good. This shall be in contradistinction to a rehabilitation center or lodging house as defined in this chapter.
31. "Health Care Facility" means any residential care facility, intermediate care facility, or skilled nursing facility.
- A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, personal assistance and other essential daily living activities to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.
- B. Intermediate Care Facility - Any institution, place, building or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.
- C. Skilled Nursing Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four (24) hour per day basis.
32. "Home Occupation" means an occupation conducted in a dwelling unit, provided that:
- A. No persons other than members of the family residing on the premises shall be engaged in such occupation, except by authorization of the Board of Adjustment, in which case the Board will allow one (1) person from outside the family to be employed.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifty (50) percent of the gross floor area of one (1) floor of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

All Home Occupations shall be required to obtain a Special Exception from the Board of Adjustment.

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

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

35. "Junk Yard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

36. "Kennel (Commercial)" means an establishment in which dogs or domestic animals more than one (1) year old are housed, groomed, bred, boarded, trained, or sold.

37. "Lodging House" means a building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

38. "Lot" means for purposes of this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide



such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, or on an approved private street, and may consist of:

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

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

40. "Lot Measurements":

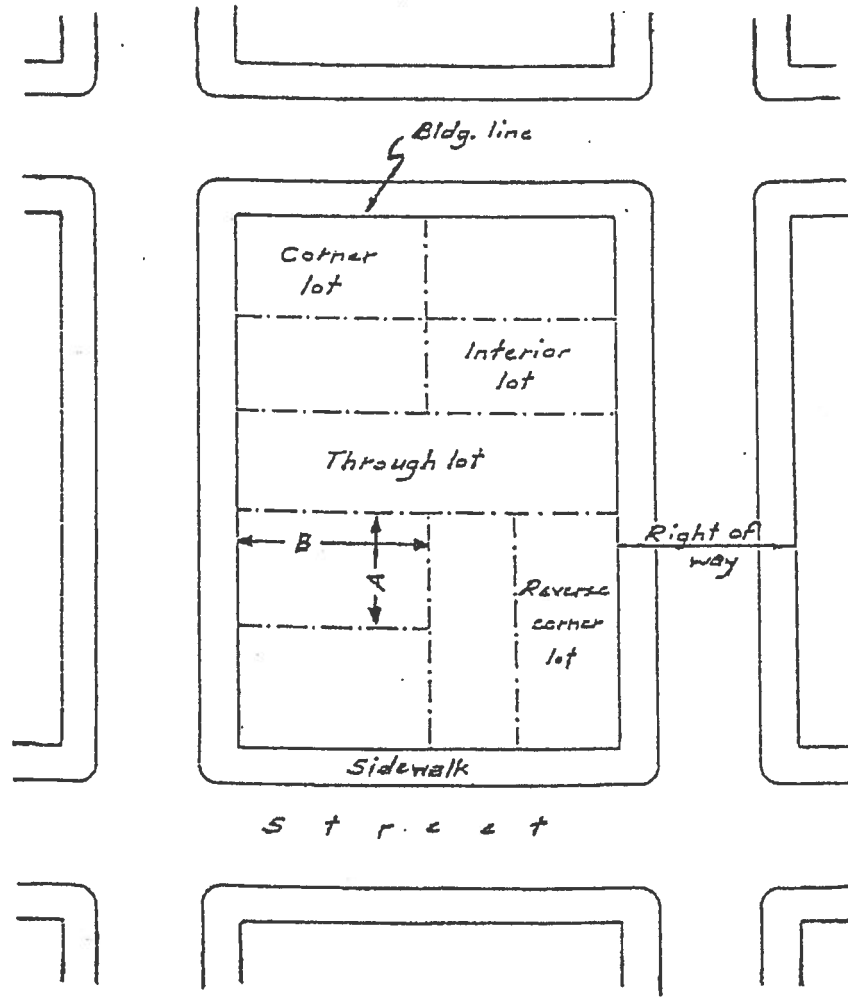
- A. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width of a lot shall be the distance between straight lines connecting front and rear lot lines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

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

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

- A. "Corner" lot - a lot located at the intersection of two (2) or more streets.
- B. "Interior" lot - a lot other than a corner lot with only one (1) frontage on a street other than an alley.
- C. "Through" lot - a lot other than a corner lot with frontage on more than one (1) street other than an alley. Lots with frontage on two (2) nonintersecting streets may be referred to as "through" lots.
- D. "Reversed Corner" lot - a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

CHART - LOT



A - Width of lot

B - Depth of lot

43. "Manufactured Home" means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development. For the purpose of this chapter, a manufactured home shall be considered the same as any site-built, single-family detached dwelling. It shall be located in accordance with the setback, lot size, minimum square footage, and hook-up requirements for a site-built, single-family detached dwelling on the same lot. It shall be installed with a permanent foundation system for a manufactured home as described in this chapter under "foundation."

44. "Mobile Home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public

streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.

45. "Mobile Home Park" means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "mobile home park" is not to be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The mobile home park shall meet the requirements of any zoning regulations that are in effect.

46. "Modular Home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. Once certified by the State, a modular home shall be subject to the same standards as a site-built home. It shall be located in accordance with the setback, lot size, minimum square footage and hook-up requirements for a site-built, single-family dwelling or multi-family dwelling on the same lot, whichever is applicable. It shall be installed with a permanent foundation system as required by this chapter for a site-built, single-family or multi-family detached dwelling, whichever is applicable.

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

48. "Nonconformities" means lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of this chapter's enactment.

49. "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.

50. "Occupancy Permit" means a certificate issued by the administrative officers stating that the building and use comply with the provisions of these zoning regulations. Occupancy permits shall be granted for new construction and other activities for which a building/zoning permit is required.

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

52. "Permitted Use" means a use by right which is specifically authorized in a particular zoning district.

53. "Preschool/Child Care Center" means an establishment providing for the care, supervision and protection of children for a fee.

54. "Principal Use" means the main use of land or structures as distinguished from an accessory use.
55. "Projections (into yards)" means parts of buildings such as architectural features that extend beyond the building's exterior wall.
56. "Service Station (Gas Station)" means a building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale. "Service Station" shall also include convenience stores if the convenience store offers for sale any of the above.
57. "Setback" means the required distance between every structure and lot line on the lot in which it is located.
58. "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.
59. "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.
60. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.
61. "Street Line" means the right-of-way line of a street.
62. "Structural Alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.
63. "Structure" means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards and excluding temporary political and real estate signs but not including fences or walls used as fences. The term "structure" shall not include vehicles or structures originally designed for transportation purposes. *(Ord. 977 – Nov. 10 Supp.)*
64. "Use" means the purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.
65. "Variance" means a device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.
66. "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, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

67. "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. On corner lots the front yard shall be either side for the purpose of selecting the rear yard. Corner lots shall meet the front yard requirements on each street frontage. (See chart on following page)

68. "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 interior lots the rear yard shall be the opposite end of the lot from the front yard. (See chart on following page)

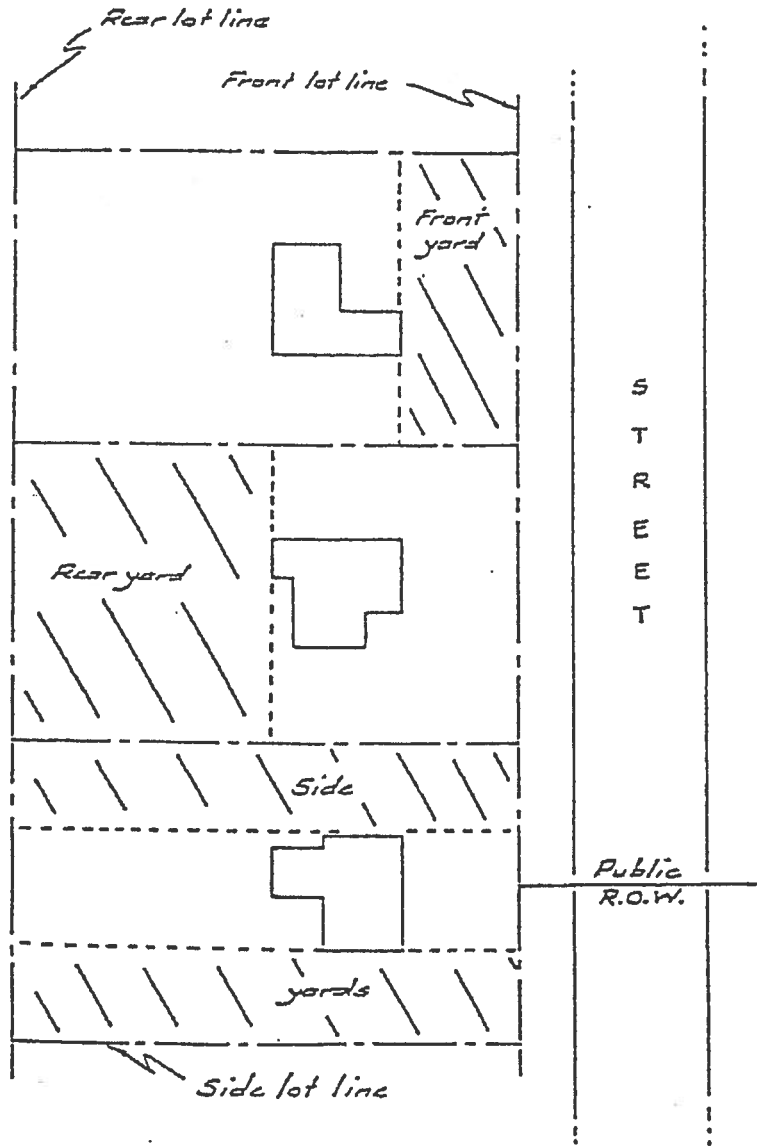
69. "Yard, Side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building. On corner lots the yard not designated as front or rear yard shall be considered the yard. Each corner lot shall have two (2) front and two (2) side yards. (See chart on following page)

70. "Zoning/Building Administrator" means the local official responsible for reviewing Zoning/Building Permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning/Building Administrator.

71. "Zoning District" means a section the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

72. "Zoning Map" means the map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

### CHART - YARD



## NONCONFORMITIES

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

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

which were lawful before this chapter was passed or amended, but which are 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. Further nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, but it is the intent of this chapter to allow structures which were nonconforming under the previous ordinance, but which are conforming under this chapter, to be considered legal as of the date of adoption of this chapter and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this chapter. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**165.11 NONCONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot that was recorded under separate ownership at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of the chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment except that in the case of destruction the same dimensions of any building comprising the same location may be permitted.

**165.12 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY).** Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located unless a special exception is granted by the Board of Adjustment.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

**165.13 NONCONFORMING STRUCTURES.** Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to less than sixty-five (65) percent replacement value, it shall be allowed to be reconstructed to its previous dimensions or to dimensions which decrease the nonconformity. If the structure is damaged to more than sixty-five (65) percent, the Board of Adjustment may allow reconstruction to meet public needs.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**165.14 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.** If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.



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

5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located except by special exception of the Board of Adjustment when it is found that the use meets the public need.

6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of the subsection is defined as damage to an extent of more than sixty-five (65) percent of the replacement cost at time of destruction. Replacement shall begin within six (6) months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within eighteen (18) months of the time of destruction or the nonconforming status shall expire.

**165.15 REPAIRS AND MAINTENANCE.** On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

**165.16 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES.** Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

## DISTRICT REGULATIONS

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

AG	Agricultural District
LD	Limited Development District
RS	Residential Single-Family District
RM	Residential Multi-Family District
MH	Mobile Home District
AC	Arterial Commercial District
NC	Neighborhood Commercial District
GC	General Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

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

**165.22 AG – AGRICULTURAL DISTRICT.**

1. Intent. This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities, so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.
2. Permitted Uses. The following uses are permitted in the AG District:
  - A. Agriculture, including the usual agricultural buildings, dwellings and structures and excluding offensive uses.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District.
  - A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - B. Private garages, barns and other farm buildings.
  - C. Roadside stands offering for sale only agricultural products or other products produced on the premises.
  - D. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
  - E. Satellite dishes.
4. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Cemeteries, crematories or mausoleums.
  - B. Commercial kennels.
  - C. Stables, private or public.
  - D. Greenhouses and nurseries.
  - E. Dwellings: single-family, two-family, and multi-family, other than farm houses which are permitted uses.
  - F. Private recreational camps, golf courses and recreational facilities.
  - G. Public or private utility substations, relay stations, etc.
  - H. Churches or accessory facilities (on or off site).
  - I. Publicly owned and operated buildings and facilities.
  - J. Extraction of minerals or raw materials.

K. Home occupations.

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

	Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
Dwelling	2 acres	150	60	50	50	2½ stories or 35 feet

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

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.

B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.

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

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

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

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

A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

8. Signs. Sign regulations are administered under the rules of the *Uniform Sign Code* as adopted by the City of Iowa Falls.

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**165.24 LD -- LIMITED DEVELOPMENT DISTRICT.**

1. Intent. This district is intended to include those areas within the City which have extreme limitations for development. These limitations may include, but not be limited to, flood hazards and/or unstable soil conditions.
2. Permitted Uses. The following uses are permitted in the LD District.
  - A. Undeveloped and unused land in its natural condition.
  - B. Public parks and recreation open space.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the LD District.
  - A. Agriculture, exclusive of dwelling units.
  - B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded.
  - C. Flood control structures.
  - D. Roadside stands offering for sale only agricultural products or other products produced on the premises.
  - E. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the LD District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Cemeteries, crematories or mausoleums.
  - B. Stables, private or public.
  - C. Greenhouses and nurseries.
  - D. Private recreational uses.
  - E. Public or private utility substations, relay stations, etc.
  - F. Publicly owned buildings and facilities.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the LD District.

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

6. Off-street Parking. The following off-street parking requirements shall apply in the LD District.
  - A. Roadside stands: one (1) parking space for each fifty (50) square feet of floor area.

- B. Greenhouses and nurseries: one (1) parking space per one thousand (1,000) square feet of enclosed floor area.
7. Off-street Loading. The following off-street loading requirements shall apply in the LD District.
- A. All activities or uses allowed in the LD District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
8. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

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**165.26 RS – RESIDENTIAL SINGLE-FAMILY DISTRICT.**

1. Intent. This district is intended to provide for a variety of single-family and two-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized and provided for. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various single-family residential areas of the City.
2. Permitted Uses. The following uses are permitted in the RS District.
  - A. Single-family detached dwellings.
  - B. Two-family dwellings.
  - C. Family homes.
  - D. Bi-attached dwellings.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District.
  - A. Private garages.
  - B. Private recreational facilities. Private swimming pools shall have a non-climbable fence at least six (6) feet in height.
  - C. Temporary buildings for the use incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the RS District subject to specific conditions and requirement intended to make them compatible with and acceptable to adjacent uses.
  - A. Preschools and child care centers.
  - B. Churches.
  - C. Publicly owned and operated buildings and facilities.
  - D. Private schools with a curriculum similar to public schools.
  - E. Satellite dishes.
  - F. Home occupations in accessory buildings.
  - G. Home occupations.
  - H. Public or private utility substations, relay stations, etc.
  - I. Group homes.

The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings. When the dish is attached to a main building or other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of twelve (12) feet except for commercial use.

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

	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
Single-Family	7,000	66	25	6	20	2½ stories or 35 feet
Two-Family	9,000	75	25	6	20	2½ stories or 35 feet

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

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each two thousand (2,000) square feet of floor area.

B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.

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

D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space per each three hundred (300) square feet of gross floor area in auditorium or gymnasium.

E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.

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

G. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area.

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

A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

8. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

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**165.28 RM – RESIDENTIAL MULTI-FAMILY DISTRICT.**

1. This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Medium and high population density neighborhoods are recognized and provided for. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various multi-family residential areas of the City.
2. Permitted Uses. The following uses are permitted in the RM District.
  - A. Single-family detached dwellings.
  - B. Two-family dwellings.
  - C. Multi-family dwellings.
  - D. Family homes.
  - E. Bi-attached dwellings.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RM District.
  - A. Private garages.
  - B. Parking lots.
  - C. Private recreational facilities. Private swimming pools shall have a non-climbable fence at least six (6) feet in height.
  - D. Temporary buildings for the use incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the RM District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Preschools and child care centers.
  - B. Churches and publicly owned and operated buildings and facilities.
  - C. Private schools with curriculum similar to public schools.
  - D. Lodging houses, dormitories, fraternities and sororities.
  - E. Group homes.
  - F. Offices and studios of professional persons.
  - G. Satellite dishes.
  - H. Bed and breakfast houses.
  - I. Health care facilities, hospitals and clinics.
  - J. Home occupations in accessory buildings.
  - K. Home occupations.
  - L. Public or private utility substations, relay stations, etc.

The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings. When the dish is attached to a main building or other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of twelve (12) feet, except for commercial use.

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

	Min. Lot* Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
Single-Family	6,600	66	25	6	20	3 stories or 45 feet
Two and Multi-Family	8,000	66	25	6	20	3 stories or 45 feet

\* Where public sewer facilities are not available, not less than one (1) acre of lot area is required.

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

- A. Single-family dwellings: two (2) parking spaces on the lot.
- B. Multi-family dwellings: two (2) parking spaces on the lot for each dwelling unit.
- C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space per each three hundred (300) square feet of gross floor area in auditorium or gymnasium.
- E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
- F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
- G. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
- H. Preschools and child care centers: one (1) parking space per employee.

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

- A. All activities or uses allowed in the RM District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

8. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

**165.30 MH – MOBILE HOME DISTRICT.**

1. Intent. This district is intended to provide for certain medium density residential areas in the City now developed as mobile home parks which by reason of their design and location are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available. It shall be unlawful for any person to operate a mobile home park within the City without the owner or lessee first having obtained a permit to operate and maintain a mobile home park from the City.

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

- A. Mobile homes located in an approved mobile home park.
- B. Home occupations.

3. Accessory Uses.

- A. Private garages.
- B. Private recreational facilities.
- C. Temporary buildings for use incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

4. Special Exceptions.

- A. Public or private utility substation, relay stations, etc.
- B. Preschools and child care centers.
- C. Churches or accessory facilities on or off site.
- D. Satellite dishes.
- E. Home occupations in accessory buildings.

The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings. When the dish is attached to a main building or other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of twelve (12) feet except for commercial use.

5. Bulk Regulations.

Permit Required - A mobile park permit shall be required for any mobile home park constructed under the following regulations.

Issuance of a City Permit - Permits shall be issued by the Zoning/Building Administrator after plans have been submitted which conform to the following bulk requirements. Fees for said permit shall be established by Council resolution.

- A. Density is limited to nine (9) mobile homes per acre.
- B. No mobile home shall be located within five (5) feet of any driveway or parking space, within seventy-five (75) feet of the right-of-way line of a public street, or less than thirty-five (35) feet from the side or rear lot lines of the mobile home park.

C. Each mobile home site shall be provided with a stand consisting of a reinforced, four (4) inch, poured Portland cement concrete apron not less than eight (8) feet wide and forty-five (45) feet long and a paved outdoor patio of at least one hundred eighty (180) square feet located at the main entrance to the mobile home.

D. A greenbelt, at least twenty-five (25) feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.

E. Each mobile home shall be located on a lot having an area of at least four thousand five hundred (4,500) square feet provided.

F. All minimum street widths in mobile home parks shall be approved as private streets and further comply with the following.

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

G. Parking areas shall be provided in all mobile home parks for use of park occupants and guests at the rate of at least two (2) off-street car spaces for each mobile home lot. Required car parking spaces shall be located so as not to exceed a distance of one hundred (100) feet from the mobile home that it is intended to serve. All parking areas shall be constructed with hard, smooth, dust-free surfacing.

6. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

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**165.32 AC – ARTERIAL COMMERCIAL DISTRICT.**

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

The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings. When the dish is attached to a main building or

other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of twelve (12) feet except for commercial use.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and building in the AC District.

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
6,600	50	60	If adjacent to a residential district, the side yard shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 10 feet	If adjacent to a residential district, the rear yard shall be equal to the minimum rear yard required in the adjacent district, but in no instance less than 20 feet	3 stories or 45 feet

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

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

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

- A. All activities or uses allowed in the AC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way.

8. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

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**165.34 NC – NEIGHBORHOOD COMMERCIAL DISTRICT.**

1. Intent. This district is intended to provide certain areas of the City for the development of office and convenience services for persons living in neighboring residential areas. Some residential type structures are also permitted. The uses permitted are intended so as to protect the abutting and surrounding residential districts. This district is normally small in size and is often located as a transition between residential and commercial areas.
2. Permitted Uses. The following uses are permitted in the NC District.
  - A. Offices and clinics.
  - B. Sale and service of goods and products conducted entirely within the building, excluding any manufacturing or processing of goods or petroleum products, and excluding consumption of prepared foods except by employees of the premises, as well as excluding taverns, bars and entertainment establishments dispensing alcoholic beverages.
  - C. Undertaking establishments.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the NC District.
  - A. Private garages.
  - B. Parking lots.
  - C. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the NC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
  - A. Single-family, two-family, or multi-family dwellings.
  - B. Churches and public owned and operated buildings and facilities.
  - C. Convenience stores which sell self-service petroleum products on the premises.
  - D. Group homes or family homes.
  - E. Preschools and child care centers.
  - F. Health care facility.
  - G. Public or private utility substations, relay stations, etc.



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

	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
Residential	6,000	60	25	6	20	3 stories or 45 feet
Other Uses	6,000	60	60	None, except that if abutting an "R" District, the side yard shall be 10 feet	None, except that if abutting an "R" District, the rear yard shall be 20 feet	3 stories or 45 feet

6. Off-street Parking. The following parking requirements shall apply to the NC District.

- A. Single-family dwellings: two (2) parking spaces on the lot.
- B. Multi-family dwellings: one (1) parking space on the lot for each dwelling unit.
- C. Offices: one (1) parking space per three hundred (300) square feet of gross floor area.
- D. Clinics: one (1) parking space per three hundred (300) square feet of gross floor area.
- E. Sales and service buildings: one (1) parking space per three hundred (300) square feet of gross floor area.
- F. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- G. Public buildings and facilities: one (1) parking space per three hundred (300) square feet of gross floor area.
- H. Undertaking establishments: one (1) parking space for each five (5) seats plus one (1) parking space for each vehicle maintained on the premises.

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

- A. All activities or uses allowed in the NC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way.

8. General Regulations. The following general regulations shall apply in the NC District.

- A. All required yards, including those which may be used for off-street parking shall be landscaped. They shall be landscaped attractively with natural lawn, living trees and/or shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.
  - B. All business shall be conducted within an enclosed yard or building, except by special exceptions.
  - C. All right-of-way shall be landscaped attractively with lawn, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.
9. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

**165.36 GC – GENERAL COMMERCIAL DISTRICT.**

1. Intent. This district is intended to provide for certain areas of the City for the development of service, retail, and other non-residential uses, excluding industrial and agricultural uses. The district regulations are designed to permit the development of service, retail and other non-residential uses which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance, or other similar factors.
2. Permitted Uses.
  - A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
  - B. Offices and clinics.
  - C. Publicly owned and operated buildings and facilities.
3. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the GC District.
  - A. Private recreational facilities.
  - B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - C. Private garages.
  - D. Parking lots.
  - E. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the GC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses. Setbacks shall be established by the Board of Adjustment and shall have the following minimums.
  - A. Warehousing.
  - B. Churches or accessory facilities on or off site.
  - C. Hotels and motels.
  - D. Dwellings, second floor and above.
  - E. Public or private utility substations, relay stations, etc.

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

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard* (feet)	Min. Rear Yard* (feet)	Max. Height (lesser of)
None	None	None, except 20 feet where provided	None, except if a side yard is provided it shall be a minimum of 6 feet	None, except if a rear yard is provided it shall be a minimum of 20 feet	3 stories or 45 feet

\*Where this district abuts a lower intensity district, the greater side and rear yard setbacks apply.

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

- A. Sales and service buildings: one (1) parking space per three hundred (300) square feet of gross floor area.
- B. Offices/clinics: one (1) parking space per three hundred (300) square feet of gross floor area.
- C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- D. Public buildings and facilities: one (1) parking space per three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.
- E. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.
- F. Dwellings: two (2) spaces per unit.

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

- A. Loading shall not be permitted to block public right-of-way.

8. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

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**165.38 LI – LIGHT INDUSTRIAL DISTRICT.**

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

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: (lesser of)
6,000	50	None, except if bordering a Residential Area, then 25 feet	None, except if adjacent to "RS" or "RM" Districts, then 10 feet	None, except if adjacent to "RS" or "RM" Districts, then 25 feet	3 stories or 45 feet

6. Off-street Parking. The following off-street parking requirements shall apply in the LI District.
  - A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
  - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
7. Off-street Loading. The following off-street loading requirements shall apply in the LI District.
  - A. All activities or uses allowed in the LI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
8. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

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**165.40 HI – HEAVY INDUSTRIAL DISTRICT.**

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

2. Permitted Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate Board of Adjustment approval before a zoning/building permit is issued.

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

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

3. Board of Adjustment. The Board of Adjustment shall then after holding a public hearing consider all of the following provisions in its determination upon the particular use at the location requested.

- A. That the proposed location design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.
- B. That such use shall not impair an adequate supply of light and air to surrounding property.
- C. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
- D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

- E. That such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.
- 4. Required Conditions.
  - A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to all State and Federal regulations.
  - B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any "R" District boundary, except where adjoining a railroad right-of-way, and fifty (50) feet from any commercial boundary.
- 5. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District.
  - A. Accessory buildings and uses customarily incidental to a permitted use.
  - B. Living quarters for watchmen or custodians of industrial properties.
- 6. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District.

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: (lesser of)
None	None	None, except when adjacent to a Residential District, then 50 feet	None, except when adjacent to "RS" or "RM" District, then 50 feet; 25 feet from any "C" District	None, except when adjacent to "RS" or "RM" District, then 50 feet; 25 feet from any "C" District	3 stories or 45 feet

- 7. Off-Street Parking. The following off-street parking requirements shall apply in the HI District.
  - A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
  - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
- 8. Off-Street Loading. The following off-street loading requirements shall apply in the HI District.
  - A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
- 9. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

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## SUPPLEMENTARY DISTRICT REGULATIONS

### 165.45 SUPPLEMENTARY DISTRICT REGULATIONS.

1. **Planned Unit Development.** “Planned unit development” means an area of land to be developed as a single entity for a number of dwelling units and uses ancillary thereto, the plan for which may not conform to the lot size, bulk or type of building, density, lot coverage, required open space, or other requirements in any district established by any other chapters of this Code of Ordinances. Exceptions to provisions found in this chapter are hereby made for planned unit developments. Planned unit development, for purposes of these regulations, shall be considered a type of subdivision and will require approval as delineated in the City’s subdivision regulations. (See Chapters 170 and 171)
2. **Building Lines on Approved Plats.** Whenever the plat of a land subdivision, approved by the Planning and Zoning Commission and on record in the office of the County Recorder, shows a building line along and frontage for the purpose of creating a front yard or side 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.
3. **Structures to Have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking. Building permits shall not be issued for construction of improvements on premises which are not adjacent to a dedicated street or alley of the City unless the application for such permit has been submitted to and approved by the Board of Adjustment of the City.
4. **One Main Building on a Lot.** Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building (principal use) on one (1) lot unless otherwise provided in this chapter. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when the buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
5. **Accessory Buildings.** Garages and accessory buildings shall comply with the following:
  - A. To obtain a building permit you must provide the City with a plot plan showing where the structure is to be located on the lot with the distances noted to the lot lines. (Copies of site plans may be available from the Director of Building and Zoning.) All buildings on your property must be shown on this drawing.
  - B. A structure less than 120 square feet of roofed area does not require a building permit, but must meet the minimum setback requirements.
  - C. Locate property lines exactly. Estimates are not acceptable. The City will request you show the City lot pins when the City comes out for a foundation inspection. A permit will not be issued if there is any doubt as to where they are located.

D. Check with the Utility Company regarding any utility easements. A building cannot be placed over an easement.

E. Any driveway, sidewalk or utility work in public right-of-way requires an approved right-of-way excavation permit; see the Director of Building and Zoning.

F. If a proposed garage is detached, it must be a minimum of two (2) feet from side and rear property lines, and when a garage is entered at a right angle from the alley, it shall be a minimum of ten (10) feet from said lot lines. No accessory building may be erected in any required front yard. An unattached garage shall not occupy more than thirty-five percent (35%) of the side or rear yard, and shall be a minimum of ten (10) feet from the house or separated by a minimum one (1) hour fire rated wall. A detached garage or accessory building shall not exceed twenty-one (21) feet in height. *(Ord. 1041 – Oct. 13 Supp.)*

G. If the garage is attached either directly to the house or by a breezeway, it is considered part of the residence and must meet the setback requirements that apply to the residence.

If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as part of the main building for the purpose of determining side and rear yards.

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

*(Ord. 1041 – Oct. 13 Supp.)*

H. If the garage is going to be attached to the house, the wall next to the house shall not have any openings other than a self-closing door which will be required to be a minimum of 1 3/8" solid core wood door or steel door with a 20 minute fire rating. No glass is allowed in the door except 1/4" wired glass held with steel stops. The wall next to the house shall be covered with a one hour rated separation on the garage side of the wall. This separation shall extend from the floor to the underside of the roof sheathing or the ceiling must be sheet rocked.

I. Frost depth footings are required if the structure is greater than 600 square feet or if it is attached to the house or other structure. Detached garages 600 square feet or less may be built on a four (4) inch slab reinforced with a minimum of a two (2) foot steel rebar grid and a minimum of a sixteen (16) inch deep, four (4) inch wide trenched footing.

J. Frost depth footings are 42" deep.

K. All new driveways shall be concrete or asphalt in the street right-of-way.

L. No accessory building shall be used without occupancy of the principal building.

M. No accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

N. Roofs shall be designed with a live load of 30 pounds per square foot.

6. Fences. In all districts, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four (4) feet in height is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of

the wall above the ground surface of the retained embankment. All fences shall be constructed with materials such as: chain link, Polyvinyl Chloride (PVC), treated wood, concrete, masonry or other type materials approved by the Board of Adjustments. Property owner or contractor must show location of property survey pins or markers to the Director of Building and Zoning before constructing fence.

On corner lots in all districts, no fence, wall, or other structure shall be erected to a height of more than three (3) feet above the elevation of the established curb grade at the intersection of the streets on that part of any yard which is bounded by the street lines of the intersecting streets and a line connecting two (2) points on the street lines, twenty (20) feet from their point of intersection. In addition, no planting of foliage which will obstruct the view of drivers of vehicles approaching the street intersection shall be placed or maintained within such area.

Invisible pet fences shall be at least three feet back from any sidewalk in the public right-of-way and three feet back from any property line and requiring that a sign be posted three feet back from the sidewalk indicating that there is an invisible pet fence in use. The sign shall be a minimum of one (1) square foot in area and shall not exceed two (2) square feet in area. *(Ord. 1031 – Oct. 13 Supp.)*

7. Height Limits. Unless regulated by ordinance elsewhere in this Code of Ordinances, chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, grain elevators, or necessary mechanical appurtenances are exempt from height regulations in Sections 165.22 through 165.40. (See Airport Height Regulations chapter for further restrictions in airport and airspace zone.)

8. Projections. Sills, belt courses, cornices, and ornamental features may project only one (1) foot into a required yard.

9. Fire Exits and Chimneys. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½) feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning/Building Administrator.

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

11. Terraces. Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are distant at least two (2) feet from the adjacent side lot line.

12. Service Lines. Nothing in this chapter shall have the effect of prohibiting utility service lines.

13. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three (3) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty (20) feet from the point of the intersection. (See diagram on following page)

14. Swimming Pools. Private swimming pools shall be allowed only in rear yards and shall not be allowed in front or side yards and shall have a non-climbable fence at least six (6) feet in height. *(Ord. 1050 – Oct. 14 Supp.)*

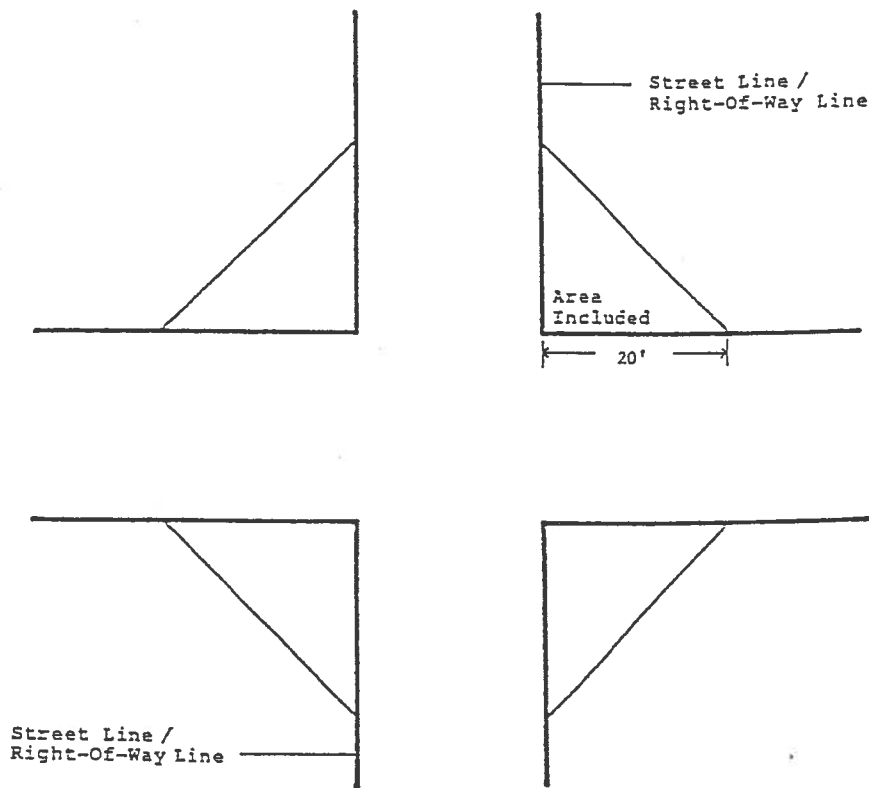
15. Propane Tanks. Propane tanks shall be located in compliance with State of Iowa requirements and regulations.

16. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards.

A. The minimum dwelling width shall be twenty-two (22) feet at the exterior dimension exclusive of decks, porches, enclosed entry-ways, or other projections.

**DIAGRAM**

**Corner Lots - Yards and Visibility**



B. A permanent foundation constructed in accordance with the definition of foundation in this chapter shall be required of all dwellings and shall further be required of all manufactured homes constructed outside a mobile home park as defined herein and all modular homes constructed outside a mobile home park as described herein and no such dwelling, manufactured home, or modular home shall be occupied until the required foundation is installed therein.

C. All dwelling units shall provide for a minimum of six hundred (600) square feet of floor space.

17. Public or private utility substations, relay station, etc. as used in this chapter shall not include commercial communications towers and antennas as regulated elsewhere in this Code of Ordinances.

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## ADMINISTRATION

**165.50 ADMINISTRATION AND ENFORCEMENT.** A Zoning/Building Administrator designated by the City Manager shall administer and enforce this chapter. The administrator may be provided with the assistance of such other persons as the City Manager may direct.

**165.51 BUILDING PERMIT REQUIRED.** No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Zoning/Building Administrator. 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 ordinance. Building permits shall be applied for with the Zoning/Building Administrator and shall expire two (2) years after the date of issuance if work is begun within one hundred eighty (180) days of issuance or after one hundred (180) days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning/Building Administrator for good cause.

**165.52 OCCUPANCY PERMIT REQUIRED.** No new or remodeled building or structure for which a building permit is required shall be used or occupied until the Zoning/Building Administrator has issued a certificate of occupancy therefor as provided for in this chapter.

**165.53 CERTIFICATE ISSUED.** After a final inspection, if it is found that the building or structure complies with all the provisions of this chapter, the Zoning/Building Administrator shall issue a certificate of occupancy.

**165.54 TEMPORARY CERTIFICATE.** A temporary certificate of occupancy may be issued by the Zoning/Building Administrator for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

## BOARD OF ADJUSTMENT

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

1. Board Created. A Board of Adjustment is hereby established which shall consist of seven (7) members. The terms of office of the members of the Board and the manner of their appointment shall be by the Mayor with City Council approval. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson or, in the Chairperson's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions of the Board concerning special exceptions or variances shall also be recorded in the office of the County Recorder. It shall be the responsibility of the appellant to record said action and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the Zoning/Building Administrator.

### 165.61 BOARD OF ADJUSTMENT; POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties.

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning/Building Administrator in the enforcement of this chapter.

A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Iowa Falls affected by any decision of the administrative officer. Such appeal shall be taken within sixty (60) days by filing with the Zoning/Building Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days or more than twenty (20) days' public notice. At said hearing, any party may appear in person, by agent or by attorney.

C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril

to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.

B. The Board shall fix a reasonable time for the hearing the special exception, and give not less than seven (7) days or more than twenty (20) days' public notice. At said hearing, any party may appear in person, by agent or by attorney.

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

D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception that the granting of the special exception will not adversely affect the public interest.

3. Variance, Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(3) That the special conditions and circumstances do not result from the actions of the applicant.

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

B. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days or more than twenty (20) days' public notice. At said hearing, any party may appear in person, by agent or by attorney.

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

D. The Board of Adjustment shall make findings that requirements of Section 165.61(3)(A) have been met by the applicant for a variance.

E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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.

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.

4. **Approved Action by Board.** The concurring vote of a majority of members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning/Building Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

**165.62 APPEALS FROM THE BOARD OF ADJUSTMENT.** Any person or persons, or any board, taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.



## ENFORCEMENT AND AMENDMENTS

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

**165.71 AMENDMENTS.** The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven (7) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than 20 days prior to the hearing. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice. Such amendments may be initiated by the City Council on its own motion, and after report by the Planning and Zoning Commission, or may be initiated by any owner or owners of property. Owners of property may present a petition duly signed and verified, requesting an amendment, supplement or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least fifty (50) percent of the area included in such proposed change and by the owners of fifty (50) percent of the property within two hundred (200) feet therefrom, and said petition shall be filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall make a report to the City Council within sixty (60) days from the date of receipt of such petition. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. All zoning amendment application forms shall be approved by resolution of the City Council.

**165.72 PENALTIES FOR VIOLATION.** Violation of the provisions of this chapter with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a violation of this Code of Ordinances, or such violation may be charged as a municipal infraction. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

**165.73 SCHEDULE OF FEES, CHARGES AND EXPENSES OTHER THAN BUILDING PERMIT FEES.** The City Council may establish by resolution a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the

Zoning/Building Administrator and the City Clerk and may be altered or amended only by the City Council, as recommended by the Commission.

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



## CHAPTER 166

# AIRPORT ZONING REGULATIONS

166.01 Short Title	166.07 Board of Adjustment
166.02 Definitions	166.08 Judicial Review
166.03 Airport Zones and Airspace Height Limitations	166.09 Airport Zoning Commission
166.04 Use Restrictions	166.10 Conflicting Regulations
166.05 Lighting	166.11 Penalties
166.06 Variances	

**166.01 SHORT TITLE.** This chapter shall be known and may be cited as the “Iowa Falls Municipal Airport Height Zoning Ordinance.”

**166.02 DEFINITIONS.** As used in this chapter, unless the context otherwise requires:

1. “Airport” means the Iowa Falls Municipal Airport.
2. “Airport elevation” means the highest point of an airport’s usable landing area measured in feet above mean sea level, which elevation is established to be one thousand one hundred thirty-six (1,136) feet.
3. “Airport hazard” means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in 14 CFR Sections 77.21, 77.23 and 77.25, as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
4. “Airport primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
5. “Airspace height” means that for the purpose of determining the height limits in all zones set forth in this chapter, and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
6. “Control zone” means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. “Instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment; for which an instrument approach procedure has been approved or planned.
8. “Minimum descent altitude” means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

9. "Minimum enroute altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

10. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.

11. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

**166.03 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS.** In order to carry out the provisions of this section, there are created and established certain zones which are depicted on the Iowa Falls Municipal Airport Height Zoning Map. A structure located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows.

1. Horizontal Zone. The land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by:

A. Visual Runway. Swinging arcs of five-thousand-foot radii from the center of each end of the primary surface of runway 13, and connecting the adjacent arcs by lines tangent to those arcs.

B. Instrument Runway. Swinging arcs of ten-thousand-foot radii from the center of each end of the primary surface of runway 31, and connecting the adjacent arcs by lines tangent to those arcs.

(Note: The radius of the arc specified for each end of a runway will have the same arithmetical value. The value will be the highest determined for either end of the runway. When a five-thousand-foot arc is encompassed by tangents connecting two (2) adjacent ten-thousand-foot arcs, the five-thousand-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.)

No structure shall exceed one hundred fifty (150) feet above the established airport elevation in the horizontal zone, as depicted on the Iowa Falls Municipal Airport Height Zoning Map.

2. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of four thousand (4,000) feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Iowa Falls Municipal Airport Height Zoning Map.

3. Approach Zone. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

(Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)

- A. The inner edge of the approach surface is:
  - (1) Visual Other Than Utility Runway and Nonprecision Instrument Runway: Five hundred (500) feet wide for runways 13 and 31.
- B. The outer edge of the approach zone is:
  - (1) Visual Other Than Utility Runways: One thousand five hundred (1,500) feet from runway 31.
  - (2) Nonprecision Instrument Other Than Utility Runways: Three thousand five hundred (3,500) feet for runway 31.
- C. The approach zone extends for a horizontal distance of:
  - (1) All Visual Runways: Five thousand (5,000) feet at a slope of twenty (20) to one (1) for runway 13.
  - (2) Nonprecision Instrument Other Than Utility Runways: Ten thousand (10,000) feet at a slope of thirty-four (34) to one (1) for runway 31.

No structure shall exceed the approach surface to any runway, as depicted on the Iowa Falls Municipal Airport Height Zoning Map.

4. Transitional Zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of the approach surfaces.

No structure shall exceed the transitional surface, as depicted on the Iowa Falls Municipal Airport Height Zoning Map.

5. Increase in Elevation of Structures. No structure shall be erected within the zoning jurisdiction conferred on the City by Code of Iowa Sections 329.3 and 329.4 that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum en route altitude to be increased on any Federal airway within the zoning jurisdiction conferred on the City by Code of Iowa Sections 329.3 and 329.4.

**166.04 USE RESTRICTIONS.** Notwithstanding any other provisions of Section 166.03, no use may be made of land or water within the zoning jurisdiction conferred on the City by Code of Iowa Sections 329.3 and 329.4 in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

- 1. All lights or illumination used in conjunction with streets, parking signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Iowa Falls Municipal Airport or in the vicinity thereof.
- 2. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Iowa Falls Municipal Airport.

3. No operations from any use within the zoning jurisdiction conferred on the City by Code of Iowa Sections 329.3 and 329.4 shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

#### **166.05 LIGHTING.**

1. Notwithstanding the provisions of Section 166.04, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments. Additionally, any structure, constructed after the effective date of the ordinance codified in this chapter, and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-ID and amendments.

2. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate an airspace hazard to pilots.

**166.06 VARIANCES.** Any person desiring to erect or increase the height of any structure or to permit the growth of any tree, or otherwise use property in violation of any section of this chapter, may apply to the Planning and Zoning Commission for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Iowa Falls Municipal Airport Authority for its opinion as to the aeronautical effects of such a variance. If the Airport Authority does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

#### **166.07 BOARD OF ADJUSTMENT.**

1. The existing Board of Adjustment under the Zoning Ordinance of Iowa Falls, Iowa, is designated to perform the functions of an Airport Zoning Board of Adjustment, and in addition to its existing powers shall have and exercise the following powers:

A. To hear and decide appeals from any order, requirement, decision, or determination made by the Planning and Zoning Commission in the enforcement of this chapter.

B. To hear and decide special exemptions to the terms of this chapter upon which such Board of Adjustment under such regulations may be required to pass.

C. To hear and decide specific variances.

2. The Board of Adjustment shall have the powers established in Code of Iowa, Section 414.12.

3. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.

**166.08 JUDICIAL REVIEW.** Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the court of record as provided in Code of Iowa, Section 414.15.

**166.09 AIRPORT ZONING COMMISSION.** The existing Planning and Zoning Commission of the City is designated to perform the functions of the Airport Zoning Commission. In addition to its regular duties, it shall be the duty of the Planning and Zoning Commission to administer the regulations prescribed in this chapter. Applications for permits and variances shall be made to the Planning and Zoning Commission upon a form furnished by the Commission. Upon receipt of any such application, the Airport Authority shall be promptly notified. Applications required by this chapter to be submitted to the Planning and Zoning Commission shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Planning and Zoning Commission.

**166.10 CONFLICTING REGULATIONS.** Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**166.11 PENALTIES.** Each violation of this chapter or of any regulation, order, or ruling promulgated under this chapter shall constitute a simple misdemeanor, and each day a violation continues to exist shall constitute a separate offense.



## CHAPTER 167

# WIND ENERGY CONVERSION SYSTEMS (WESC)

167.01 Purpose

167.02 Definitions

167.03 Application for Placement Procedures

167.04 General Requirements for Wind Energy

Conversion Systems (WESC)

**167.01 PURPOSE.** The purpose of this chapter is to allow and encourage the safe, effective use of wind energy systems; identify locations in areas of the City which would be least adversely impacted by the visual, aesthetic, and safety implications of their siting; and enhance the ability of the providers of wind energy services to provide such services to the community quickly, efficiently and effectively.

### 167.02 DEFINITIONS.

1. **Blade:** An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
2. **Height, Total System:** The height above grade of the wind energy system, including the tower generating unit, and the highest vertical extension of any blades or rotors. Height shall be measured from the adjacent grade of the tower to the tip of the turbine (blade) at its highest point.
3. **Qualified Professional:** An individual certified by the manufacturer of a wind energy conversion system as qualified to install and/or maintain that manufacturer's wind energy conversion system.
4. **Rotor Diameter:** The diameter of the circle described by the moving rotor blades.
5. **Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a wind power rotor casting shadows on the ground and stationary objects such as the window of a dwelling.
6. **Tower:** Vertical structure that supports the electrical generator, rotor blades, or meteorological equipment.
7. **Wind Turbine:** A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy.
8. **Wind Energy Conversion System (WECS):** A system or device that converts wind power to another form of energy, such as electricity or heat. Such system and device can consist of wind chargers, wind turbines, and windmills.

**167.03 APPLICATION FOR PLACEMENT PROCEDURES.** Prior to issuance of a building permit, the following must be on file with the City Building and Zoning Department:

1. General placement diagram;
2. Manufacturer's specifications;
3. Certification by a registered qualified engineer that the foundation, tower, and mechanical system comply with appropriate building code;

4. Proof of personal injury and property insurance, insuring the applicant and the City against all claims or causes of action made against either or both applicant and the City for damages to persons or property arising out of the construction, operation, and maintenance of WECS.

#### **167.04 GENERAL REQUIREMENTS FOR WIND ENERGY CONVERSION SYSTEMS (WECS).**

1. Height and placement of a wind energy conversion system shall be limited to ninety (90) feet and also be in accordance and compliance with the guidelines set forth by the Federal Aviation Administration (FAA) regulations and Chapter 166 of the City of Iowa Falls Code of Ordinances.
2. The minimum setback from the nearest property line to the base of the WECS shall be no less than the height of the proposed WECS from the ground level to its uppermost element.
3. Wind energy conversion systems shall be erected or maintained to the rear of the main building, except in those instances where the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case a permit may be requested for a side yard WECS location.
4. Wind energy conversion systems shall be located on a lot only as an accessory use/structure to an existing principal use/structure.
5. WECS shall not be located in any required setback area.
6. The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point on the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.
7. Climbing access to the WECS tower shall be limited by means of a fence six (6) feet in height around the tower base with a locking portal or by limiting tower climbing apparatus to no less than twelve (12) feet from the ground.
8. Cables and/or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.
9. Warning signs shall be posted where clearly visible to warn of electrical and other hazards associated with the WECS. Signs shall meet the following guidelines:
  - A. A limit of one sign no larger than 4 square feet;
  - B. Shall be posted at or near the base of the tower;
  - C. Shall include notice of no trespass, a warning of high voltage, and phone number of property owner/operator to call in case of emergency;
  - D. Shall be visible from any external fencing and/or landscaping;
  - E. Brand names or advertising associated with any installation shall not be visible from any public right-of-way.
10. The WECS operation shall not cause interference to the radio and television reception on adjoining property.

11. Noise will not be produced during the operation of the WECS. Definitions and allowances for noise shall be referenced in Chapter 48 of the City of Iowa Falls Code of Ordinances.
12. All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine was designed.
13. All WECS shall have a manually operable method to render the system inoperable in the event of structural or mechanical failure of any part of the system including the automatic overspeed control.
14. If connected to a utility system, the WECS shall meet the "tie-in" requirements set forth by the Iowa Public Utilities Commission.
15. The wind energy conversion system, including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.
16. All wind energy conversion systems shall be maintained in good operational condition and in accordance with all requirements of this section.
17. All wind energy conversion system shall be subject to re-inspection at an interval of not longer than every 24 months. Said inspection shall be conducted by a qualified professional who is regularly involved in the maintenance, inspection, and/or erection of towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection checklist provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of the inspection record shall be provided to the City of Iowa Falls. An inspection that results in a failure rating of the wind energy conversion system will result in the revocation of the permit.
18. Upon the termination or revocation of the permit, the wind energy conversion system shall be repaired to operational standards or is to be removed. The period of time allowed for repair or removal shall be 180 days from the date of termination and/or revocation of the permit.
19. Removal of a wind energy conversion system includes the entire structure including foundations, transmission equipment and fencing from the property. If an abandoned, terminated or revoked wind energy conversion system is not removed in the specified amount of time, the City may remove it and recover its cost from the wind energy conversion system owner
20. No additions, changes, or modification shall be made to a wind energy conversion system, unless the addition, change, or modification is in conformity with the Building Code.
21. Should new technology present itself after adoption of the ordinance codified by this chapter that is proven to be more effective, efficient, and/or economical, the applicant may petition the City to allow variance from the guidelines set forth in this chapter.
22. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.
23. The applicant shall provide the City with a shadow flicker model. A shadow flicker model demonstrates that shadow flicker shall not fall on, or in, any existing

residential structure. Shadow flicker expected to fall on a roadway or a portion of a residentially zoned parcel may be acceptable if the flicker does not exceed thirty (30) hours per year; and the flicker will fall more than one hundred feet (100') from an existing residence; or the traffic volumes are less than five hundred (500) vehicles on the roadway. The shadow flicker model shall:

A. Map and describe within a one thousand foot (1000') radius of the proposed dispersed wind energy system the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind consistency, sunshine constancy, and wind directions and speed;

B. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate total number of hours per year of flicker at all locations;

C. Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.

24. The owner of such a structure shall assume complete liability in case of personal or property damage.

25. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

*(Ch. 167 – Ord. 976 – Nov. 10 Supp.)*

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## CHAPTER 170

# SUBDIVISION REGULATIONS

170.01 Title	170.15 Requirements for Approval of Final Plat
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170.03 Definitions	170.17 Final Approval
170.04 Platting Required	170.18 Required Attachments to Final Plat
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170.06 Filing of Preliminary Plat	170.20 Authorization to Proceed
170.07 Scale and Content of Preliminary Plat	170.21 Bond Returned
170.08 County Advisement	170.22 Design Standards
170.09 Hearing on Preliminary Plat	170.23 Character of Development
170.10 Examination of Plat	170.24 Maintenance of Improvements Outside City Limits
170.11 Action by Commission on Preliminary Plat	170.25 Improvements
170.12 Preparation of Final Plat	170.26 Exceptions
170.13 Approval of Preliminary Plat Is Revocable	170.27 Amendments
170.14 Scale and Content of Final Plat	170.28 Penalties

**170.01 TITLE.** This chapter shall be known, referred to and cited as “The Land Subdivision Ordinance of the City of Iowa Falls, Iowa.”

**170.02 PURPOSE.** This chapter is to provide for the harmonious development of the City, for the coordination of streets within subdivisions with other existing or planned streets or with other features of the comprehensive plan of the City; for the adequate open spaces, for traffic, recreation, light, and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

**170.03 DEFINITIONS.** For use in this chapter, the following words and terms are defined.

1. “Building line” means a line on a plat between which line and public right-of-way no buildings or structures may be erected.
2. “Commission” means the City Planning and Zoning Commission.
3. “Cul-de-sac” means a minor street with only one outlet and culminated by a turnaround.
4. “Easement” means a grant by the property owner for the use, for a specified purpose, of a strip of land by the general public, a corporation, or a certain person or persons.
5. “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.
6. “Major thoroughfare” means a street designated as a major thoroughfare in the major thoroughfare plan for the City.
7. “Performance bond” means a surety bond or cash deposit made out to the City, in an amount equal to the full cost of the improvements which are required by this chapter, said cost estimated by the City Manager, and said surety bond or cash deposit being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.

8. "Roadway" means that portion of the street available for vehicular traffic and where curbs are laid, the portion from back-to-back of curbs.
9. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or however otherwise designated.
10. "Street, minor" means a street not designated as a major thoroughfare in the major thoroughfare plan for the City.
11. "Subdivider" means any person who divides or proposes to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.
12. "Subdivision" means (i) the division of any parcel of land into two or more parcels, sites or lots, any one of which is less than five (5) acres, for the purpose, whether immediate or future, of transfer of ownership; provided, however, the division or partition of land into parcels of more than five (5) acres, not involving any new streets or easements of access and the sale or exchange of parcels between adjoining lot owners, where the sale or exchange does not create additional building sites, shall be exempted; and provided further, division of an existing parcel occupied by a bi-attached dwelling into two equal parts with the division line running down the approved common wall shall be exempted; or (ii) the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
- A. "Class 1 Subdivision" is a subdivision in which the smallest lot has an area of less than one acre and a width of less than 150 feet.
- B. "Class 2 Subdivision" is a subdivision in which the smallest lot has an area of one acre or more and a width of more than 150 feet.

**170.04 PLATTING REQUIRED.** It is unlawful for the owner, agent or person having control of any land within the corporate limits of the City, or within two miles thereof, to subdivide or lay out such land in lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the State and the provisions of this chapter.

**170.05 PROCEDURE.** In obtaining final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat, a performance bond (as may be required) and a final plat in accordance with this chapter. The Commission may waive the preliminary plat requirements for subdivisions when no public improvements are involved or any time good cause is shown.

**170.06 FILING OF PRELIMINARY PLAT.** The subdivider shall first prepare and file with the City Manager, three copies of a preliminary plat conforming to the requirements set forth in this chapter. Five copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City. The plats shall be accompanied by a fee in an amount set by resolution of the Council. No plat for any subdivision or resubdivision shall be considered filed with the Clerk, unless and until said plat is accompanied by the fee, as established by resolution of the Council, and as required by this chapter.

**170.07 SCALE AND CONTENT OF PRELIMINARY PLAT.** The preliminary plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less and shall be plainly marked "Preliminary Plat." The plat shall show:

1. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded;
2. The name and address of the subdivider and the name, address and profession of the person preparing the plat;
3. The date, scale, and north point, and a key map, showing the general location of the proposed subdivision in relation to surrounding development;
4. The legal description of the area being platted;
5. The boundary line (accurate in scale), the dimensions, and location of the property to be platted and the location of section lines. Contours with intervals of not less than five feet;
6. The names and location of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land;
7. The location of property lines, streets, and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat;
8. The zoning classification and proposed use for the area being platted;
9. The layout, numbers and approximate dimensions of proposed lots;
10. The layout of all existing and proposed building lines and easements;
11. The location, width, and dimensions of all streets, alleys, and grounds proposed to be dedicated for public use;
12. Proposed names for all streets in the area being platted;
13. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks and drainage structures;
14. Written and signed statements of the appropriate officials of the availability of gas, electricity and water to the proposed subdivision;
15. Any restrictions proposed to be included in the owner's declaration of plat.

**170.08 COUNTY ADVISEMENT.** In the case of subdivisions outside the corporate limits of the City, the City Manager shall refer two 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.

**170.09 HEARING ON PRELIMINARY PLAT.** A hearing on the preliminary plat will be held before the Commission at its first regular meeting following the filing. No hearing shall be held by the Commission until notice thereof (which shall include the time and place) is given by the City Manager on behalf of the Commission, by mailing a notice to the person or persons who filed the preliminary plat to the address set forth in the filing papers and to such other interested parties as may be determined by the Commission.

**170.10 EXAMINATION OF PLAT.** The City Manager shall examine the plat as to its compliance with the laws and regulations of the City, the existing street system, and good

engineering practices, and, shall within fifteen (15) days, submit findings in duplicate to the Commission.

**170.11 ACTION BY COMMISSION ON PRELIMINARY PLAT.** The Commission, upon receiving the City Manager's report, shall within a reasonable time consider the report and pass upon the plat. It shall then set forth its recommendation in writing, whether of approval, modification, or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The Commission shall return one copy of an approved preliminary plat to the subdivider.

**170.12 PREPARATION OF FINAL PLAT.** Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under this chapter.

**170.13 APPROVAL OF PRELIMINARY PLAT IS REVOCABLE.** The approval of the preliminary plat by the Commission is revocable and does not constitute final approval or acceptance of the subdivision by the Council or authorization to proceed on construction of improvements within the subdivision but shall constitute approval of the layout and general engineering proposals and plans.

**170.14 SCALE AND CONTENT OF FINAL PLAT.** The final plat shall be clearly and legibly drawn to a scale of one inch to one hundred feet or less. The plat shall show:

1. The title under which the subdivision is to be recorded;
2. The name or names of the owners and subdividers;
3. The date, scale and north point, and a key map showing the general location of the proposed subdivision;
4. The legal description of the area being platted;
5. Accurate distances and bearings of all boundary lines of the subdivision including all sections, U.S. Survey and Congressional township lines;
6. Centerlines of all proposed and adjoining streets with their right-of-way width and names;
7. Lines of all lots with a simple method of numbering to identify all lots and blocks;
8. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements;
9. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements, and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot;
10. All radii, arcs, points of tangency, central angles and lengths of curves;
11. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made;
12. All survey monuments and benchmarks, together with their description;
13. Private restrictive covenants and their period of existence;



14. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

**170.15 REQUIREMENTS FOR APPROVAL OF FINAL PLAT.** Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans and information as listed in Section 170.14 necessary for the detailed engineering consideration of the improvements required and obtain the approval of the City Manager which shall be endorsed thereon. For final plat approval, the subdivider shall submit to the Commission:

1. Five copies of the final plat;
2. A performance bond as required and approved by the City Manager;
3. One copy of the certified approved plans, profiles, cross sections, and specifications;
4. A certificate from the City Manager that the final plat is substantially in accord with the preliminary plat as approved by the Commission.

**170.16 CERTIFICATION AND DISTRIBUTION OF FINAL PLAT.** When the final plat has been passed upon by the Commission, five copies of the final plat and performance bond shall forthwith be transmitted to the Council together with a certificate showing the action of the Commission. When the final plat has been approved by the Council, the performance bond accepted, and all five copies duly certified, two copies shall be delivered to the Commission; one copy to the City Manager, and one to the Clerk for their respective files, and one to the subdivider for filing with the County Recorder. If the plat is disapproved by the Council, the disapproval shall point out in writing wherein the proposed plat is objectionable.

**170.17 FINAL APPROVAL.** The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause the plat to be recorded in the office of the County Recorder, and shall file satisfactory evidence of the recording in the office of the Clerk before the City recognizes the plat as being in full force and effect.

**170.18 REQUIRED ATTACHMENTS TO FINAL PLAT.** The final plat shall also be accompanied by the following at the time it is presented for filing:

1. A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds;
2. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
3. A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.11 of the Code of Iowa.

4. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

5. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

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

**170.19 COPIES OF FINAL PLAT WITH HOUSE NUMBERS.** Upon receipt of the duly certified copies of the final plat, the City Manager will transmit copies of the plat, upon which have been placed the official house numbers as determined by the City Manager, to the subdivider, and to the public utility companies.

**170.20 AUTHORIZATION TO PROCEED.** Receipt of the duly certified final plat by the subdivider is authorization that the subdivider may proceed with the installation and construction of the required improvements.

**170.21 BOND RETURNED.** The Council will return the performance bond to the subdivider upon certification by the City Manager of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the Council. Prior to certification by the City Manager, the subdivider shall file with the City Manager, plans, profiles, and cross sections of the required improvements as they have been built.

**170.22 DESIGN STANDARDS.** All subdivisions shall conform to the minimum design standards of this chapter, except as may be provided for planned unit developments.

1. Streets.
  - A. The street and alley arrangement shall be such as to cause no hardship to owners of adjoining property when they seek to subdivide their lands.
  - B. The arrangement of streets shall make provision for continuation of the principal existing streets in adjoining areas.
  - C. Off streets shall be avoided.
  - D. The right-of-way width for major streets shall conform to the major street plan adopted as a part of the Iowa Falls comprehensive plan.
  - E. The minimum right-of-way width for minor streets shall be fifty (50) feet.
  - F. When streets adjoin unsubdivided property a half-street not less than thirty (30) feet in width may be dedicated, and whenever the subdivided property adjoins a half-street the remainder of the street shall be dedicated.
  - G. Property access shall be given to all lots from a dedicated street.
  - H. All dead-end streets shall terminate in an open space having a minimum radius of fifty (50) feet. No dead-end street shall exceed six hundred (600) feet in length.

- I. Reserve strips controlling access to streets shall be prohibited except where control of the strips is placed in the City.
  - J. A tangent at least one hundred (100) feet long shall be placed between reverse curves on major streets; on minor streets the tangents shall be at least fifty (50) feet long.
2. Lots.
    - A. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites properly related to topography and the character of adjacent development.
    - B. All side lines of lots shall be at right angles to straight street lines or radial to curved street lines unless a variation of this rule will give a better street and lot plan.
    - C. Lots with double frontage shall be avoided.
    - D. Access from a public street shall be provided for all lots.
    - E. No lot shall have a depth of less than one hundred (100) feet or a depth in excess of three times its width.
    - F. The minimum width of residential lots shall be sixty-six (66) feet at the building line, except when a lesser width is permitted by the Zoning Ordinance of the City.
    - G. No lot that is to be used for residential purposes shall contain an area of less than six thousand six hundred (6,600) square feet; provided, however, all lots shall conform in area to any municipal or County zoning ordinance.
    - H. Lots at intersections of major streets and at all acute angle intersections shall have a radius of twenty (20) feet at the street corner.
  3. Building Lines. Building lines shall be shown on all lots intended for residential use and on commercial and industrial lots immediately adjoining residential areas. Within the City the building lines shall not be less than the requirements of the Zoning Ordinance, and in any areas not zoned, not less than twenty-five (25) feet from the right-of-way of the street or highway upon which the lot fronts, except that where all frontage on one side of a street between two intersecting streets or for a distance of three hundred (300) feet or more is to be used for commercial or industrial purposes, the minimum building lines shall not be less than twenty (20) feet. Restrictions requiring buildings to be set back to the building lines shall either be shown on the plat or shall be contained in a separate recorded instrument and referred to on the plat.
  4. Open Spaces Other Than Streets.
    - A. Where the area being subdivided includes lands to be used for parks or schools under the officially adopted master plan of the City, the subdivider shall indicate the location of such areas on the subdivision plat and shall grant a two-year option for the purchase of the lands or easements by the appropriate public agency at the appraised value prior to subdividing plus one-half the cost of grading and surfacing of the portions of any streets that are contiguous to the site. In case parks or school grounds dislocate utilities, this shall be taken into consideration in the price agreed upon for the land.

B. The option may be taken up by the appropriate public agency upon the payment to the subdivider of ten percent (10%) of the total purchase price, total purchase price being the price plus pro rata street costs. The amount shall serve as either earnest money, in the event the purchase is not completed, or shall be applied on the purchase price if the purchase is completed as hereinafter provided. The balance of the purchase price, plus interest computed at the current bank rate, shall be payable over a period of not to exceed twelve months or the remainder of the current fiscal year, whichever is shorter.

C. In case of a disagreement over the value of land, the value shall be established by three qualified appraisers, one of whom shall be appointed by the purchasing public agency, one of whom shall be appointed by the subdivider and one of whom shall be mutually agreed upon by the two appraisers named above. The subdivider shall bear the cost of any appraisal. If the option is not taken up within two years as provided herein, or if the purchase is not completed within the applicable period of time, then the subdivider may sell or use the lands for an alternate purpose, which alternate purpose shall be shown on the approved subdivision plat.

5. Alleys. Where there are alleys the minimum alley width shall be twenty (20) feet. A cutoff shall be provided at all acute angle alley intersections. Dead-end alleys shall not be allowed.

6. Easements. Where there are no alleys, easements of at least seven and one-half (7½) feet in width shall be provided and dedicated on each side of all rear lot lines and along side lot lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water and other mains. An adequate easement shall be dedicated along all important watercourses for the purpose of widening, deepening, sloping, improving or protecting the stream for drainage purposes.

#### **170.23 CHARACTER OF DEVELOPMENT.**

1. The Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, to control the type and use of structures or the use of lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property.

2. The Commission shall have power to agree with the subdivider upon the use, height, area or bulk restrictions governing building and premises, providing that the restrictions do not authorize the violation of the Zoning Ordinance of the City.

3. Restrictions shall be made requiring all buildings used for residential purposes to be set back not less than six (6) feet from the side lot lines, except on corner lots where the required setback from side streets shall be a minimum of twenty-five (25) feet, provided no adjacent structures front on the same street, in which case the required setback may be reduced one-half. A rear yard requirement of ten (10) feet shall be permitted on corner lots.

4. Deed restrictions and covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation of the terms of the restrictions or covenants.

**170.24 MAINTENANCE OF IMPROVEMENTS OUTSIDE CITY LIMITS.** Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which the City does not desire to or cannot maintain, provision shall be made by trust agreements made a part of the deed restrictions acceptable to the City for the proper and continuous maintenance and supervision of facilities by the lot owners in the subdivision.

**170.25 IMPROVEMENTS.**

1. Authorization to Prepare Plans and Specifications. Receipt of the signed copy of the preliminary plat is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements that will be required. Prior to the construction of any improvements the subdivider shall furnish the City Manager all plans, information and data necessary for the construction of the improvements. These plans shall be examined by the City Manager and will be approved if in accordance with the following requirements. Following the approval, construction can be started. The subdivider may prepare and secure approval of the preliminary plat and then install improvements only in a portion of the area covered by the preliminary plat.

2. Completion. Plans for improvements shall be prepared by a qualified engineer registered in accordance with the laws of Iowa. The improvements listed below shall be installed prior to the approval of the final plat which is prepared for recording purposes. In lieu of actual completion of the improvements, the Council may accept a performance bond assuring the actual construction and installation of the improvements and utilities within a reasonable time, and with the provision that no residence or other building shall be constructed until the street improvements, water and sewer lines have been installed for the entire block in which the residence or other building shall be located. Sidewalks may be installed after the construction of each residence or other building.

3. Required Improvements. The improvements to be installed are as follows:

A. Permanent Markers. All subdivision boundary corners and the intersections of street centerlines shall be marked with permanent monuments, as required by the City Manager. A permanent monument shall be deemed to be concrete with a minimum dimension of four (4) inches, extending three (3) feet below the surface of the ground, or steel pipe firmly imbedded in the concrete which extends at least three (3) feet below the surface of the ground. Should conditions prohibit the placing of monuments on line, off-set marking will be permitted; provided, however, that off-set courses and distances are shown on the plat. A permanent benchmark shall be accessibly placed within the subdivision, the elevation of which shall be referred to the U.S.G.S. datum and accurately noted on the subdivision plat.

B. Street Improvements. All streets shall be graded and the roadway improved by surfacing under the supervision of the City Manager and subject to the City Manager's approval.

(1) For Class 1 subdivisions, roadway surfacing shall include portland cement curb and gutter on both sides of the street not closer than twenty-six (26) feet from the back of one curb to the other with the

area between the curbs surfaced with concrete or asphalt meeting the standard specifications of the City.

(2) For Class 2 subdivisions, roadway surfacing shall consist of concrete or asphalt paving, at least twenty-four (24) feet wide, constructed in accordance with standard specifications of the City with drainage ditches where appropriate with slopes no steeper than two (2) feet horizontal for each one foot vertical and at least two (2) feet deep.

(3) For major streets, i.e. streets so designated on the Official Master Plan, the surfacing shall be the same as for Class 1 subdivisions except that the surfacing shall be at a width designated by the Council.

C. Sidewalks. For Class 1 subdivisions, two sidewalks shall be required along all streets. For Class 2 subdivisions, two sidewalks shall be required along all major streets. All sidewalks shall have a minimum width of four (4) feet and shall be constructed under the supervision of, and subject to the approval of, the City Manager and in accordance with standard specifications of the City. Sidewalks shall be located six (6) inches inside the street right-of-way line.

D. Water Lines. For Class 1 subdivisions, the subdivider shall make necessary arrangements to serve each lot with a water main of the City municipal water system. For Class 2 subdivisions, the subdivider shall provide an adequate supply of potable water to each lot by a water system approved by the State Health Department with proper provisions for the maintenance thereof as required by Section 170.24, or shall serve each lot with a water main of the City municipal water system; or where it is feasible and practical for an adequate water supply to be made available for every lot by the individual lot owner to present evidence to this effect and include deed restrictions on the final plat requiring any such individual water supply systems to comply with the requirements of the State Health Department.

E. Sewers. For Class 1 subdivisions, the subdivider shall connect with the sanitary sewer system of the City and provide adequate sewer lines accessible to each lot. The sewers shall be constructed in accordance with the standard specifications of the City under the supervision of the City Manager and subject to the City Manager's approval. For Class 2 subdivisions within the City limits or being annexed to the City, individual sewage disposal devices may be used for each lot, but the subdivision plat shall include deed restrictions requiring that all the individual disposal systems shall be constructed in accordance with the specifications of the State Health Department and under the supervision of and subject to the approval of the City Manager.

F. Drainage. Adequate provision shall be made for drainage of storm water subject to the approval of the City Manager. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low spot. In Class 2 subdivisions, drainage shall be by open channels located along the streets or along rear lot lines. No lot shall be platted to obstruct natural water flow.

G. Alleys. Alleys shall be graded to their maximum usable width to a grade approved by the City Manager.

**170.26 EXCEPTIONS.** Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography; or other such non-self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of this chapter, the Commission may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this chapter or interfering with carrying out the comprehensive plan of the City. In no case shall any variation or modification be more than a minimum easing of the requirements. In no case shall it have the effect of reducing the traffic capacity of any street below that shown on the comprehensive plan of the City or be in conflict with the Zoning Ordinance and map. The variances and waivers may be granted only by the affirmative vote of three-fourths of the members of the Commission. In granting variances and modifications, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

**170.27 AMENDMENTS.** Any regulations or provisions of this chapter may be changed and amended from time to time by the Council; provided, however, the changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

**170.28 PENALTIES.** Whoever, being the owner or agent of the owner of any land located within or within two miles of the City, knowingly or with intent to defraud, transfers or sells by reference to or exhibition of or by other use of a plat of subdivision of the land before the plat has been approved by the Council, shall forfeit and pay the penalty of not more than one hundred dollars (\$100.00) for each lot so transferred or sold or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from these penalties.

## CHAPTER 171

# PLANNED UNIT DEVELOPMENTS

171.01 Purpose  
171.02 Definitions  
171.03 Permitted Uses  
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171.05 Zoning Requirements  
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**171.01 PURPOSE.** The PUD, planned unit development regulations are intended to encourage a more efficient use of land and public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements for lot-by-lot development. Although PUD developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the planned unit development regulations are intended to allow freedom of design in order to promote developments which will be an asset to the City by equaling or surpassing the quality of developments resulting from the application of more conventional zoning and subdivision regulations.

**171.02 DEFINITIONS.** The following definitions shall apply to terms used in this chapter:

1. "City engineer," when used in this chapter, means the professional engineer registered in the State designated by the Council to perform the services required in this chapter
2. "Common open spaces" means a parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a planned unit development and designed and intended for the use or enjoyment of residents of the planned unit development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the development. Common open space may not include such facilities as parking lots, private streets, or drives, etc.
3. "Developer" means any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, developing or proposing to develop a tract of land as a planned unit development, as defined herein, and includes any agent of the developer. The term "subdivider" is synonymous with the term "developer" as defined in this subsection.
4. "Planned unit development" means an area of land to be developed as a single entity for a number of dwelling units and uses ancillary thereto, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations in any one residential district established by any other chapter of this Code of Ordinances.
5. "Plat," for purposes of this chapter, means a map, drawing, or chart on which a developer's plan for the subdivision and/or development of a planned unit development is presented, which the developer submits for approval and intends, in final form, to record.



6. "Subdivision" means planned unit development subdivision when used within this chapter.

**171.03 PERMITTED USES.** Uses permitted in a planned unit development may include and shall be limited to the following:

1. Dwelling units in detached, semi-detached, attached or multi-storied structures, or any combination thereof;
2. Nonresidential uses of a religious, cultural, recreational and commercial character to the extent they are designed and intended to serve the residents of the planned unit development;
3. No commercial use, or any building devoted primarily to a commercial use, shall be built or established prior to the residential buildings or uses it is designed or intended to serve.

**171.04 OBJECTIVES.**

1. The City being confronted with increasing urbanization and acknowledging that the technology of land development and the demand for housing are undergoing substantial and rapid changes, intends to encourage:
  - A. The variety and flexibility in land development for residential purposes and uses ancillary thereto that are necessary to meet those changes in technology and demand and that will be consistent with the best interests of the entire City;
  - B. The more efficient allocation and maintenance by private initiative of common open space ancillary to new residential areas;
  - C. The more efficient use of those public facilities required in connection with new residential development.
2. It is intended that in the established areas of the City the detached single-family character will be maintained. The City will resist vigorously any attempt to rezone to multiple family use vacant enclaves within established single-family areas, except where the developer can show:
  - A. Exceptional amenities for the area to be redeveloped; and
  - B. Insignificant adverse impact upon the neighboring areas.

To the extent established areas are shown in the future to be blighted or in need of renewal, the City will consider proposals for the use of planned unit development for redevelopment. On the peripheries of established residential areas and adjacent to commercial and industrial development, the City will consider with a favorable presumption proposals to permit changes in the densities indicated on the present zoning map.

3. In areas substantially undeveloped, the City will consider, with a favorable presumption, proposals for diverse residential types under a planned unit development, and will consider favorably the advisability of increased densities provided the plan offers physical, architectural and recreational amenities greater than those otherwise required by the Zoning Ordinance.
4. The City is prepared to accept a greater population density in these undeveloped areas than reflected by present zoning provided the developer can

demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

**171.05 ZONING REQUIREMENTS.** The Zoning Ordinance requirements of the City will not be literally applied to planned unit developments but the general intent of the zoning provisions must be considered and the properties within planned use developments must be zoned in the proper district. An example of this would be that the land for a residential planned unit development must be zoned residential. Any zone change required for a PUD may be undertaken concurrently with the PUD approval process.

**171.06 EXCEPTIONS TO OTHER REGULATIONS.** Whenever the provisions of this chapter are inconsistent with this or other chapters of this Code of Ordinances, the PUD provisions shall prevail.

**171.07 STANDARDS.** Permitted principal and accessory land uses and lot area, yard and height requirements in a PUD are set forth in this chapter, and shall prevail over conflicting requirements.

1. **Gross Area and Density.** A proposed planned unit development shall have a minimum of two (2) acres of gross area which will permit construction and development to a maximum density of twelve (12) dwelling units per acre. Amenities and special character of a site may, with Commission and Council approval, permit a smaller gross area for planned unit development, to a minimum site of one acre.
2. **Building Use.** Buildings shall be used only for residential purposes; occupant garages, occupant storage space and similar accessory uses; noncommercial recreational facilities; community activities, including churches and schools; and retail-type convenience facilities designed primarily to serve occupants of the development. The retail-type convenience facilities shall be designed to be compatible with the residential buildings. Display signs shall be low profile and unobtrusive.
3. **Yard Requirements.** The minimum lot and yard requirements of the conventional zoning districts in which the development is located shall not apply, except that minimum yards specified in the conventional district with suitable screening or buffering shall be provided around the boundary of the development. The height requirements of the zoning district in which the development is located shall apply within one hundred twenty-five (125) feet of the development boundary. The maximum height of any structure permitted within the development shall be seventy-two (72) feet, or six (6) stories, or any lesser height required by airport height zoning.
4. **All dedicated streets, sanitary sewer and storm sewer facilities must comply with City ordinances and specifications.**
5. **Recreation Area.** With every multiple dwelling unit, the developer shall provide a defined location for appropriate recreational activities.
6. **Building Permits.** The final development plan shall be approved by the Council and filed with the Clerk before a building permit shall be issued for any building or other structure within the development.
7. **Common Space Open in Recreation Area.** Any land gained within the development because of the reduction in lot sizes below minimum ordinance requirements shall be placed in common open space which may be dedicated to the City

(by consent of the Council); managed by the owners of the property; or managed by a homeowner's association. Developments or portions thereof which are being developed for sale or resale shall contain common open space and recreation area totaling twenty-five percent (25%) or more of the net development area. The net development area shall be defined as the gross development area minus area set aside for churches, schools and streets.

8. Traffic Design. If turning lanes or other forms of traffic controls are deemed necessary by the Council, the developer shall provide the necessary improvements, subject to the approval of their location and design by the City Engineer.

9. Sanitary Facilities. Before the preliminary development plan is approved by the Commission or Council, the developer must show that sanitary sewer facilities of sufficient capacity to accommodate the development are accessible. Alternatively, the developer must show he can provide a temporary method of sewage disposal which meets the approval of the health agencies involved. The design of the sanitary sewer facilities shall be approved by the City Engineer.

10. Off-street Parking. Off-street parking and loading spaces shall be in accordance with the municipal code for the land use intended.

11. Stage Development. No stage of a development shall contain less than two acres or total development, whichever is less; and any stage of development must include ancillary uses and common open spaces.

#### **171.08 GENERAL REQUIREMENTS.**

1. Relation to Existing Streets. New planned unit developments shall make provisions for the continuation of the principal existing streets in adjoining areas (or their projection where adjoining property is not developed) insofar as they may be necessary for the public requirements.

2. Streets. The street layout shall be in conformity with a plan for the most favorable development of the entire neighboring area, and proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

3. Relation of Railroads. If a railroad is involved, the development plan shall be laid out such that the distance between any street and the railroad will provide lots of sufficient depth to allow for a buffer strip between the residence and the railroad. No street shall be dedicated which is parallel or approximately parallel to the railroad unless it is a minimum of one hundred (100) feet between the railroad right-of-way line and the street right-of-way line. This 100-foot minimum may be waived provided there is to be no residential building between the street and the railroad.

4. Cul-de-sacs. Wherever a cul-de-sac is proposed, a turnaround having a street property line diameter of at least one hundred (100) feet shall be provided and the minimum paved turnaround shall be eighty (80) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than fifty (50) feet.

5. Minimum Roadway Width. The minimum roadway surfaced shall be twenty-four (24) feet in width.

6. Street Grades. Street grades shall be so arranged that grades shall not exceed ten percent (10%) and shall not be less than four-tenths of one percent. All changes in

street grades shall be connected by a vertical curve of reasonable length to assure adequate visibility. However, on streets which have minimum grade, no vertical curve shall be used. In approaching intersections, there shall be a suitable leveling of the street at a grade generally not to exceed one percent and for a distance of generally not less than fifty (50) feet from the nearest line of the intersecting street. The grade within the intersection should be as level as possible permitting drainage. The Council may permit variance from these grades where it deems modification advisable to adjust to topographic situations.

7. Intersections. Street curb intersections shall be rounded by a radii of at least twenty (20) feet. Streets shall be laid out to intersect at right angles, and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at an angle of less than sixty degrees.

8. Street Names. Streets that are obviously in alignment with others already existing and names shall bear the name of the existing streets. The proposed names of new streets shall be shown on the preliminary and final plats and such names shall not duplicate or sound similar to existing street names. The City Engineer shall determine street names and house numbers.

9. Easements for Public Utilities. Where alleys are not provided in the plat, easements of not less than five (5) feet in width shall be granted to the City by the owner on each side of all rear and side lot lines where necessary for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the extensions of main sewers or other utilities. The developer shall install electrical and telephone wiring system consisting of the necessary wiring, fixtures and equipment which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main electrical power lines and telephone lines shall be installed underground according to local utility specifications.

10. Monuments. Monuments shall be placed at block corner point of curves, change in direction along lot lines, and at each lot corner in accordance with City specifications.

11. Public Sites and Open Spaces. Where a proposed park, playground, school, or other public use shown in the comprehensive development plan is located in whole or in part in a proposed development, the Commission may require that such area be reserved for acquisition by the City for a period of one and one-half years in those cases in which the Commission deems such requirements to be reasonable.

#### **171.09 IMPROVEMENTS.**

1. Improvements Generally. The subdivider shall install and construct all improvements required by this chapter and Chapter 170. All required improvements shall be installed and constructed in accordance with specifications provided by the subdivider and prepared by a registered engineer. All improvements shall be constructed under the supervision of the City Engineer. The subdivider is obligated for the cost of the minimum street improvement. If a major traffic carrying street requires a roadway width greater than twenty-four (24) feet, the cost of the additional width shall be paid for by the City. The subdivider may, at the subdivider's own expense, construct roadways of greater width than that required by the City.

2. Streets. All streets within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.
3. Roadways. All roadways shall be surfaced with road stone base with asphalt or portland cement concrete with integral portland cement concrete curb as required by the City Engineer. The subgrade shall be prepared to receive surfacing as determined to be required by the City Engineer.
4. Water and Sewer Lines.
  - A. Where a usable and acceptable public water and sewer line main, as determined by the City Engineer, is within six hundred (600) feet of the area to be subdivided, the subdivider shall connect with such water main and sewer line and provide a water connection and sewer line for each lot and stubbed to the property line in accordance with the water department standards, procedure and supervision.
  - B. Where the water main or sewer line is not within the six hundred (600) feet as defined above, the subdivider and the Council shall negotiate the cost for extending the waterline or sewer main to within six hundred (600) feet of the subdivision, if the Council wishes to make such extension.
  - C. The subdivider is obligated for the cost of a six-inch diameter water main, valves, fittings, fire hydrants, and appurtenances. If a water main greater than six inches in diameter is required by the City, the additional cost shall be paid for by the City. The subdivider may, at the subdivider's own expense and with the permission of the Council, construct water mains of greater diameter than that which is required by the City.
5. Availability of Utilities; Bond. If utilities, sanitary sewers, water mains or storm sewer outlets are not available or accessible, the subdivider may be required to post a performance bond guaranteeing that the improvements will be constructed within a five-year period providing the utility service becomes available (within six hundred feet of the subdivision).

#### **171.10 PROCEDURES.**

1. Generally. In obtaining a final approval of a proposed PUD subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat and a final plat in accordance with this chapter.
2. Filing Preliminary Plat. 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 and in Chapter 170. Six copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City.
3. Preliminary Plat Referral. The Clerk shall forthwith refer two copies to the city Engineer and two copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer two 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.
4. Findings of City Engineer. The City Engineer 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.

5. Recommendation of Commission. The Commission shall, upon receiving the Engineer's report, as soon as possible consider said report and tentatively pass upon the plat. It shall then set forth its recommendations in writing whether of approval, modification or disapproval. In case of modifications or disapproval, it shall give its reasons therefor. The Commission shall forthwith return one copy of the approved preliminary plat to the subdivider.

6. Submittal to Council. The Commission shall submit its recommendation of approval to the Council, together with a certified copy of the resolution showing the action of the Commission.

7. Council Approval. The Council shall then consider the preliminary plat and if the same is acceptable in accordance with this chapter and Chapter 170, the Council shall give tentative approval of said plat and the subdivider shall then file final plat with the Clerk in accordance with the statutes of the State. If the preliminary plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.

8. Final Plat Approval of City Engineer. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans, specifications, and information necessary for the detailed engineering consideration of the improvements required under this chapter and Chapter 170 and obtain approval of the City Engineer which shall be endorsed thereon.

9. Filing of Final Plat. The final plat shall be filed in duplicate together with a certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the Commission.

10. Final Plat Submittal Requirements. For final plat approval, the subdivider shall submit to the Commission:

- A. Final plat filed in duplicate;
- B. Performance bond in the amount approved by the City Engineer if improvements have not been completed;
- C. One copy of the certified approved plans, profiles, cross-sections and specifications;
- D. A certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the Commission.

11. Recommendation of Commission. 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 the resolution showing the action of the Commission.

12. Council Approval. 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.

13. County Record. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause the plat to be recorded in the office of the County Recorder and shall file

satisfactory evidence of the recording in the office of the Clerk before the City recognizes the plat as being in full force and effect.

14. Fees Established. The Council shall, from time to time establish by resolution, fees for the review of plats. No plat for any subdivision or resubdivision shall be considered filed with the Clerk, unless and until said plat is accompanied by the fee, as established by resolution of the Council, and as required by this chapter.

#### **171.11 PRELIMINARY PLAT REQUIREMENTS.**

1. The preliminary plat shall be clearly and legibly drawn to a scale of at least one inch to fifty feet or less and shall be plainly marked "Preliminary Plat" and shall show:
  - A. The proposed name of the subdivision;
  - B. The name and address of the owner and/or subdivider;
  - C. The name, address and profession of the person preparing the plat;
  - D. The date, scale and north point;
  - E. The legal description of the area being platted;
  - F. The boundary line (accurate in scale), the dimensions and location of the property to be platted and the location of the plat in relation to section lines;
  - G. The location of property lines, streets and alleys, easements, utilities and other existing features affecting the plat;
  - H. The layout, numbers and dimensions of proposed lots and blocks;
  - I. The layout of all existing and proposed utility and other easements;
  - J. The location, width and dimensions of all streets, alleys and grounds proposed to be dedicated for public use;
  - K. Proposed names for all streets in the area being platted;
  - L. Restrictions proposed, if any, to be included in the owner's dedication of the plat;
  - M. Written statement of the appropriate officials of the availability of gas and electricity to the proposed subdivision;
  - N. Written and signed statements explaining how and when the subdivider proposes to provide and install all required improvements by this chapter;
  - O. If a homeowner's association will be formed, a statement of intentions of the homeowner's association which generally define the functions, responsibilities and operating procedures, will be required.

**171.12 FINAL PLAT REQUIREMENTS.** The final plat shall be clearly and legibly drawn to a scale of one inch to fifty feet or less and shall show:

1. The name and title under which the subdivision is to be recorded;
2. The name or names of the owners and subdividers;
3. The name, address and profession of the person preparing the plat;
4. The date, scale and north point;

5. The legal description of the area being platted;
6. Accurate distances and bearings of all boundary lines of the subdivision including all sections;
7. The location, width and dimension of all streets, alleys and grounds proposed to be dedicated for public use;
8. Lines of all lots with a simple method of numbering to identify all lots and blocks;
9. The layout of all existing utility and other easements together with their dimension and limitations, if any, of the easements;
10. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and these dimensions shall be expressed in feet and decimals of feet;
11. Names for all streets in area being platted;
12. All radii, points of tangency, central angles and lengths of curves;
13. Dedication together with private restrictive covenants and their period of existence, if any;
14. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made;
15. In the event that a homeowner's association will be formed, the proposed bylaws of a homeowner's association fully defining the functions, responsibilities and operating procedure of the association, will be required;
16. Performance bond or bonds approved by the City in an amount not less than the estimated cost of the bonded improvements, which bonds shall insure to the City that the dedicated public streets and utilities, including sewers, located therein and other common development facilities in each stage shall be completed by the developer within the time specified on the final development plan;
17. Covenant to run with the land, in favor of the City and all persons having possessory interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, walks, parks, and plantings which have not been dedicated to the City in compliance with the ordinances of the City and the final development plan as approved by the Council, which shall be recorded in the office of the County Recorder;
18. A certificate by the owner and his spouse, if any, that the subdivision is with their free consent, and is in accordance with the desire of the owner and spouse; this certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds;
19. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner and that the land is free from encumbrances other than those secured by an encumbrance bond;
20. 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.



21. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
22. 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.
23. Additional easements or agreements required by the Commission and/or Council at the time of preliminary plat approval.

**171.13 PLANS, PROFILES AND CROSS-SECTIONS.** The subdivider shall submit to the City Engineer:

1. Plans and profiles drawn to a minimum horizontal scale of one inch to fifty feet and a minimum vertical scale of one inch to ten feet; cross-sections drawn to a minimum horizontal scale of one inch to twenty feet and a minimum vertical scale of one inch to five feet; and specifications for the construction of the improvements for the subdivision.
2. The plan and profile of each street with tentative grades and street intersection elevations; all grades shown shall be top of curb grades;
3. The plan and profile of proposed sanitary sewers with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and locations of valves and fire hydrants;
4. The cross-sections of proposed streets showing the width of roadways, present and proposed grade lines, and location and size of utility mains; the cross-sections shall be taken and platted at intervals of not more than fifty feet along the centerline and shall extend out to the sides of that point where the proposed grade intersects the existing grade; in no case shall these cross-sections be extended less than the full width of the right-of-way;
5. Specifications for the required improvements; standard specifications approved by the City Engineer may be used;
6. Provide an overall drainage plan which shall show the drainage area of each inlet of the subdivision;
7. The grading plan shall be sufficiently complete and of such accuracy that it can be used for final lot grading.

**171.14 AMENDMENTS.** Any regulations or provisions of this chapter may be changed and amended from time to time by the Council; provided, however, the changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

**171.15 PENALTIES.** Whoever, being the owner or agent of the owner of any land located within or within two miles of the City, knowingly or with intent to defraud, transfers or sells by reference to or exhibition of or by other use of a plat of subdivision of the land before the plat has been approved by the Council, shall forfeit and pay the penalty of not more than one

hundred dollars (\$100.00) for each lot so transferred or sold or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from these penalties.