

CHAPTER 160

SUBDIVISION REGULATIONS

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160.01 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

1. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the City's building and housing codes, standard specifications for street and utility improvements, zoning regulations, and Comprehensive Plan.
2. These regulations are adopted in accordance with the Comprehensive Plan, in order to: lessen congestion in the street; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; avoid undue crowding of population; facilitate the adequate provisions of transportation, water, sewerage, schools, recreational facilities, and other public requirements; conserve the value of property; and to encourage the most appropriate use of land throughout the City.

160.02 JURISDICTION. In accordance with the provisions of Section 354.9 of the *Code of Iowa*, and all amendatory acts thereto, these regulations are adopted by the City governing the subdivision of all lands within the corporate limits of the City and governing subdivision of all lands within two miles of the corporate limits.

1. The City Council shall have the right to waive such requirements as are contained in this chapter to the end that the City Council is satisfied that equally suitable regulations have been placed on these subdivisions by the Board of Supervisors; provided however, that the County Board of Supervisors furnish the Commission and Council with a copy of said subdivision plat certifying that all requirements of the appropriate County ordinances have been met. The Commission shall study such plat to determine that no conflict exists with the extensions of existing streets and rights-of-way within the City into the unincorporated area and to determine if the plat would otherwise interfere in any way with the implementation of the Comprehensive Plan for the City. If the Commission is satisfied by their studies that these conditions are provided for, they shall endorse their approval upon said plat and submit it to the City Council. Upon approval by the City Council, the City Clerk shall notify the County Auditor and County Recorder in accordance with the provisions of existing statutes.

The purpose of this chapter is to facilitate the orderly processing of subdivisions in unincorporated areas within two miles of the City, and to avoid conflicting regulations, while at the same time assuring that provisions are made for proper and orderly future growth of the City.

2. City Inspection. All improvements constructed on any land subject to the jurisdiction of the City shall be inspected by the City and shall comply with the City's standard specifications.

3. Conditions. No land within the corporate limits of the City, or within two miles of the corporate limits of the City, shall be subdivided until the subdivider or agent has obtained final approval of the plat by the Council.

4. Building Permits and Certificates of Occupancy. No more than one building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these regulations. No excavation of land or construction of any public or private improvements shall take place or be commenced until in conformity with these regulations.

5. Public Improvements. No public improvements over which the City Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements, or other services, in any area that has been subdivided after the date of adoption of this chapter unless the subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the City Council as a public street.

6. Minimum Requirements. These regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

7. Relation to Other Regulations. It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.

8. Reservations and Appeals. Any subdivision plat that has received preliminary approval by the Council prior to the effective date of these regulations, shall be subject to the conditions effective at the time of the approval and for a period of one year from such date of approval and shall continue to be processed according to those requirements during such period. The preliminary approval shall be considered null and void if, after one year from the time of such preliminary plat approval, the applicant has not made application for final plat approval by the City Council. Any future subdivision of any portion of the property subject to such prior preliminary plat approval shall be made in conformance with these regulations.

160.03 DEFINITIONS. For the purpose of this chapter, certain terms and words are herein defined:

1. "Access street" means a street that is parallel to, and adjacent to, a major thoroughfare or highway, and which provides access to abutting properties and protection from through traffic.

2. "Alley" means a public way, other than a street, 20 feet or less in width, affording secondary means of access to abutting property.
3. "Applicant" means an owner or subdivider of land proposed to be subdivided (or the owner's representative). Where application is made by someone other than the legal owner, consent is required from the legal owner of the premises as a part of the application.
4. "Auditor's plat" means a plat prepared at the request of the County Auditor to clarify property descriptions and for the purpose of assessment and taxation.
5. "Block" means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets, highways, or ways, except alleys and the exterior boundary or boundaries of the subdivision.
6. "Bond" means cash deposits, surety bonds, or instruments of credit in the amount and form satisfactory to the City. All bonds shall be accepted and approved by the City Council whenever a bond is required by these regulations.
7. "Building lines" shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by regulations. Such building lines shall not be less than required by the zoning regulations.
8. "City Engineer" means the City Engineer, consulting engineer or any other agent of the City designated to fulfill the function of City Engineer with respect to this chapter.
9. "Collector streets" means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
10. "Commission" means the Planning and Zoning Commission of the City of Collins.
11. "Comprehensive plan" means the current Comprehensive Plan for the development of the City of Collins, Iowa, or any of its geographical parts, prepared for and adopted by the City Council and includes any parts of such plans separately adopted and any amendments to such plans or parts thereof.
12. "Construction plans" means the maps or drawings prepared by a registered engineer accompanying the subdivision plat and showing the specific location and design of improvements to be installed in the subdivision. The term construction drawing means the same.
13. "Contractor" means any person who constructs the improvements required herein.
14. "Cul-de-sac" means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
15. "Dead-end street" means a street presently closed to through traffic at the end and is planned for future extension.
16. "Easement" means a grant by the property owner of the use (for a specific purpose) of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the property shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities

shall have the right to trim or remove trees which interfere with the use of such easements.

17. “Engineer” means a registered professional engineer authorized to practice civil engineering, as defined by the Registration Act of the State of Iowa.

18. “Grade” means the slope of a road, street, utility, earth embankment, or other facility specified in percent of vertical to horizontal measurements.

19. “Half street” means a one-half width street right-of-way on the boundary of a subdivision, dedicated by the subdivider to the City for future development when another subdivision is platted along the side of the half street.

20. “Improvement” means any drainage, roadway, parkway, storm sewer, sanitary sewer, water main, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the City may ultimately assume the responsibility for construction, maintenance, or operation or which may affect an improvement for which the City's responsibility is established.

21. “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.

22. “Owner” means any person, group of persons, firm, corporation, or other legal entity having legal and equitable title in the land sought to be subdivided under these regulations.

23. “Park land” means a parcel of ground located within the subdivision that is to be dedicated to the City for park and recreational purposes.

24. “Performance bond” means a surety bond or cash deposit made to the City in an amount equal to the full cost of the improvements which are required by this chapter, such cost being estimated by the City Engineer, and the surety bond or cash deposit being legally sufficient to secure to the City that the improvements will be constructed in accordance with this chapter.

25. “Plans of record” means plans prepared by a registered engineer, showing the engineer's signature and certifying that the public improvements have been constructed as shown.

26. “Plat, final” means the drawing on which the subdivision plan is presented in the form which, if approved by the City Council and Planning and Zoning Commission, will be filed and recorded with the County Recorder.

27. “Plat, preliminary” means a study or drawing indicating the proposed manner or layout of the subdivision and public improvements which is submitted to the City Council and Planning and Zoning Commission for consideration and approval.

28. “Right-of-way” means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary sewer, storm sewer main, shade trees, or for another special use. The usage of the term right-of-way for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency are dedicated to public use by the maker of the plat on

which such right-of-way is established, except as otherwise provided in these regulations.

29. "Street" means any thoroughfare of public way, extending between two right-of-way lines, which has been (or will be) dedicated to the City for street purposes.

30. "Streets, arterial" means high capacity roadways of lower level of mobility and higher level of land service than the thoroughfares including Highway 65 as designated in the Comprehensive Plan.

31. "Streets, collector" means streets that penetrate neighborhoods to collect local traffic and channel it to the arterial system. The collector streets are designed with approximately equal regard to mobility and land service, as designated in the Comprehensive Plan.

32. "Streets, local" means low-volume streets designed for access to abutting property.

33. "Subdivider" means any person who, having an interest in the land, causes it (directly or indirectly) to be divided into a subdivision or to be included in a proposed subdivision or resubdivision.

34. "Subdivision" means the division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

35. "Subdivision, minor" means the division of a lot, tract, or parcel of land that meets the following conditions:

A. All the lots of the subdivision abut an existing dedicated public road, highway, or street.

B. No new street within the subdivision is proposed, nor is any new street required by the City, in order to assure adequate access to an existing public road, highway, or street from any of the lots of the subdivision.

C. All City service systems and public improvements are already extended so that each system is readily accessible for the direct and individual service connection thereto from each lot of the subdivision.

36. "Surety" means a guarantee in writing, backed by substantial assets pledged by any financial institution, insurance company, or other party of substantial financial standing, being bound with its principal for the payment of a sum of money or for the performance of some duty or promise required of the party being serviced.

37. "Surveyor" means a registered professional surveyor authorized to practice surveying, as defined by the *Registration Act* of the State of Iowa.

160.04 APPROVAL PROCEDURE. Subdivision approval procedure is as follows:

1. Pre-Application Conference. Whenever the owner of any tract or parcel of land within jurisdiction of this chapter wishes to subdivide or plat the same, said person shall attend a pre-application conference. The purpose of the pre-application conference is to acquaint the City with the proposed subdivision and acquaint the application with the objectives, procedures, and requirements of this Code of Ordinances and to give

direction to the applicant to better utilize time and resources. Participants at the pre-application conference shall be the developer or developer's agent; the developer's engineer, landscape architect, or land surveyor; the City Engineer; the City Clerk; and any other official of government or private utility deemed by the City to have an interest in the layout for the facilities to be furnished in the subdivision. The time and place of the pre-application conference shall be set by the City Clerk within seven days of the submission of the request and any accompanying exhibits of the development.

2. Preliminary Plat. After the pre-application conference, if the owner of any tract or parcel of land within the jurisdiction of this chapter does wish to subdivide or plat the same, said person shall cause to be prepared a preliminary plat of said subdivision, and shall submit 10 copies of said preliminary plat and other information to the Clerk. The preliminary plat shall contain such information and data as is outlined in Section 160.17 of this chapter.

3. Referral. The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. The City Engineer shall carefully examine the plat as to its compliance with the regulations of the City, the existing street system, and good engineering practices, and shall, as soon as possible, submit his findings to the Commission.

4. Commission Review and Recommendation. After receiving the City Engineer's report, the Commission shall study the preliminary plat and other material for conformity to this chapter. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. Before recommending approval or rejection of a preliminary plat, the Commission may, at its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a newspaper of general distribution, or by posting notice on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven days prior to the public hearing. The Commission shall file with the Council recommendations for approval or rejection of such preliminary plat within 45 days after the date of submission of the plat to the Commission. Upon receiving recommendations of the Commission, the Council shall consider the same, and if the plat is found to conform to the provisions of this chapter, the Council shall approve the preliminary plat.

5. Upon approval of the preliminary plat by the City Council, the owner shall cause to be prepared by a registered engineer construction plans of at least one phase of the approved preliminary plat. The construction plans shall be in accordance with the design standards of the subdivision regulations and standard specifications adopted by the City. The construction plans and specifications shall be reviewed by the City Engineer and, upon his recommendation, approved by the City Council prior to commencement of improvements. Two certified copies of the Iowa Department of Natural Resources (IDNR) approved construction drawings, and other permits as required by the State and County regulatory agencies must be received prior to acceptance and approval of construction plans by the City Council. Construction may commence after City Council approval, and the improvements shall be completed within one year of the approval of preliminary plat. Plans and profiles of all streets and alleys shall be drawn at a 50-foot horizontal scale and a five-foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and

south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.

6. Effective Period of Preliminary Plat Approval. The approval of the preliminary plat by the Council shall be null and void unless the final plat of at least one phase of the development of the preliminary plat is presented to the Council within one year after date of the preliminary plat approval.

7. Approval of Final Plat. Approval of the final plat, and final acceptance of improvements, shall be given by resolution of the Council, which shall direct the Mayor and Clerk to certify the resolution which shall be affixed to the plat. The procedure for approval of the final plat is outlined in Section 160.16 of this chapter.

8. Statement of Approval. Upon Council approval of the final plat, the City shall present to the applicant a resolution of approval to be presented to the County Recorder for applicant's recording of the plat.

9. Certificate of Recording. Applicant shall submit to the City Clerk a certificate of recording from the County Recorder's office.

10. Approval Void. Approval of the final plat by the City Council shall be null and void unless the plat is filed in the office of the appropriate County Recorder within 60 days of the date of said final plat approval.

11. Permits. Following the submittal of a Certification of Recording to the City, the applicant or property owners within the recorded plat may make application to the City for the building permits, in accordance with City regulations. Occupancy permits will not be issued until the above procedures have been completed.

160.05 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood. In addition to the requirements established herein, all subdivisions shall comply with the following laws, rules, and regulations

1. All applicable statutes of the State of Iowa.
2. All applicable provisions of this Code of Ordinances.
3. The current Comprehensive Plan and Public Utilities Plans for the City (as may be adopted or revised).
4. The requirements and rules of State agencies where applicable.
5. The standards and regulations of the County Board of Supervisors and County commissions, boards, and agencies where applicable.
6. The standards and regulations adopted by the Council, boards, commissions, and agencies of the City.
7. The design of all required public improvements shown on construction plans shall be done by a licensed engineer. All final plats shall be done by a registered land surveyor.

8. Reserved Land. A strip or parcel of land or outlot shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as approved or allowed by the Council.

160.06 STREET DESIGN STANDARDS. Street design standards are as follows:

1. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan if adopted. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.
2. Continuation of Existing Streets or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than 50 feet in width, and in similar alignment, unless variations are recommended by the Commission.
3. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
4. Street Intersections. Street intersections shall be as nearly at right angles as possible.
5. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than 600 feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least 105 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of 50 feet. The property lines at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than 50 feet; or equal straight approach lines. A turnaround diameter greater than 105 feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.
6. Street Names. All newly-platted streets shall be named and so named in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.
7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
8. Half Streets. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half may be platted.
9. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead end thereof.

10. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and for the purpose of installation of public utilities. The waterway easement shall be approved by the City Engineer. The total width of the easement shall be adequate to provide for the conveyance of stormwater runoff from a 100-year storm occurrence.

11. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

12. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

13. Arterials and Highways. Where a new subdivision (except where justified by limiting conditions) involves frontage on a heavy trafficway, the street layout shall provide motor access to such frontage by one of the following means:

A. A parallel street, supplying frontage for lots backing onto the trafficway;

B. A series of cul-de-sac or short loops entered from and planned at right angles to such a parallel street, with the terminal lots backing onto the highway.

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

D. A service drive or alley at the rear of the lots.

14. Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

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

16. Right-of-Way and Pavement Widths and Pavement Thickness. The minimum right-of-way and pavement width and thickness of proposed streets shall be as follows:

Types of Streets	Minimum Width Pavement Right-of-Way (feet)	Minimum Width Pavement (feet)	Minimum Pavement Thickness (inches)
Highway	***	***	***
Arterial	100	49**	7 Reinforced or 8 Non-reinforced PCC
Collector	70	31	6 Reinforced or 7 Non-reinforced PCC
Local Service			
Through Street	60	28	6 Non-reinforced PCC or 7½ ACC*
Loop Street & Cul-de-sac	50	25	6 Non-reinforced PCC or 7½ ACC*
Cul-de-sac Diameter	105	80	6 Non-reinforced or 7½ ACC*
Cul-de-sac Street	50	25	6 Non-reinforced or 7½ ACC*
*Two inches of asphaltic cement concrete (ACC) surface course and five and one-half inches of asphaltic cement concrete (ACC) base course with Portland cement concrete (PCC) curb and gutter 6 inches thick and 36 inches wide constructed in accordance with City standard specifications or as directed by City Engineer subject to approval of City Council.			
**Pavement width may be waived by City Council to a minimum width of 31 feet based upon recommendation of the City Engineer.			
***Design standards set by the Iowa Department of Transportation.			

17. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent for arterials and collectors, or eight percent for local service streets. All changes in grades on arterials shall be connected by vertical curves of a minimum length in feet equivalent to 20 times the algebraic difference between the rates of grades. If deemed necessary to the City Engineer for collector and local streets, all changes in grades on such streets shall be connected by vertical curves of a minimum length in feet equivalent to 15 times the algebraic difference between the rates of grades. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City Engineer.

18. Street Signs. The subdivider shall provide and install street signs including street name signs, no parking signs, speed limit signs, and stop signs, and sign posts in accordance with the requirements of the City and Manual on Uniform Traffic Control Devices (MUTCD) prior to completion and acceptance of the subdivision.

19. Private Streets. No private streets shall be permitted in any subdivision unless approved by the Council. If permitted, private streets shall be developed to public street standards.

160.07 BLOCK DESIGN STANDARDS. Block design standards are as follows:

1. Length. No block shall be longer than 1,320 feet, and not less than 500 feet in length.
2. Width. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, and in no case shall the width be less than 220 feet between rights-of-way; except where a single tier of double frontage lots parallel a limited access highway, a thoroughfare, drainage course, railroad, or other barrier, the width shall not be less than 150 feet.
3. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than 15 feet for local streets, and not less than 20 feet for collector and arterial streets.

160.08 LOT DESIGN STANDARDS. Lot design standards are as follows:

1. Zoning Requirements. Minimum lot dimensions and lot size shall conform to the requirements of the City or County zoning regulations for the applicable zoning district. For corner lots, minimum lot width shall include minimum lot width required plus front yard width.
2. Railroad or Arterial Frontage. Residential lots backing on a railroad right-of-way, highway, or arterial street shall be platted with a minimum depth of 150 feet.
3. Double Frontage. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a railroad, highway, or arterial street. In that event, a planting screen or fence shall be provided along the rear of the double frontage lots.
4. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets. Except on large size lots and when dictated by topography, lot lines shall be straight.
5. Lake or Stream. If a tract being subdivided contains a body of water or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the body of water among the owners of adjacent lots. The Commission may approve an alternative plan of ownership and use stating the ownership of, and responsibility for, safe maintenance of the body of water. Where a water course separates the buildable area of a lot from the street by which it has access, provisions shall be made for suitable vehicular and pedestrian access.

160.09 SANITARY SEWER SYSTEM.

1. Provided By Owner. The owner of land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area. The owner shall (at the owner's expense) construct a sanitary sewer system including all necessary pumping stations, manholes, and other necessary appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area. The minimum sewer pipe size shall be eight inches at a minimum grade of four-tenths of one percent. The installation of such sewers shall be under the supervision and inspection of the City Engineer, and the owner shall be responsible for reasonable charges for such expenses incurred by the City.
2. Design. All sewers shall be designed by a registered engineer and sized with capacity to permit ultimate development of the sewer service basin in accordance with

the Iowa Department of Natural Resources standards. The sewer lines shall be constructed to the extremities of the development where necessary to accommodate future extension.

3. Connection To Municipal System. Subdivisions located within the corporate limits of the City shall be connected to the municipal sewer system. Only with approval of the City Council, as recommended by the City Engineer, shall private sewage disposal or treatment be allowed. When allowed, design of such facilities shall be subject to the requirements and approval of the City and the County.

A. Dry Sewers. All subdivisions, except minor subdivisions, shall have sanitary sewers installed. Where sanitary sewers cannot be reasonably connected to existing sewer, the sanitary sewers shall be installed as dry sewers and capped for future connection unless this provision is waived by the City Council upon recommendation by the City Engineer.

4. Location. All sanitary sewers shall be constructed in the street right-of-way outside the pavement slab whenever possible.

5. Easements. When sanitary sewers are not constructed in the street right-of-way the subdivider shall dedicate permanent easements to the City for all sanitary sewers required by the City. These easements shall have a minimum width of 15 feet each side of the sewer center lines. Additional width may be required to ensure access by City maintenance equipment.

6. Service Lines. Sewer service lines shall be installed to the right-of-way line to serve each lot in the subdivision. Service lines shall be laid at 90 degree angle to the sewer main. Service lines shall be a minimum of four inch diameter for single-family and duplex-family housing, and six inch diameter for all other zoning classification uses. Duplex housing shall have a separate service line to each unit. Developer and contractor shall accurately record the location of the service line during construction with respect to lot corners, pavement, and other physical features. Said locations shall be furnished to the City. A steel post shall be located at the end of each service with the top of the post to be placed within one foot above the final ground surface. The post shall be painted green to indicate a sanitary sewer service location.

7. Plans and Specifications. Sanitary sewers shall be constructed in accordance with the approved construction drawings and standard specifications of the City or as directed by City Engineer.

160.10 WATER DISTRIBUTION SYSTEM.

1. Supplied By Owner. The owner of land being platted shall make adequate provisions for the supplying of water to the platted area. The owner shall (at the owner's expense) construct a complete water system together with all necessary appurtenances to provide adequate water to all lots or parcels of land within the platted area. The main supplying water to the subdivision shall not be less than eight inches in diameter. If larger mains are required by the City, the City will reimburse owner for difference in cost of materials only between the eight-inch and the larger diameter water mains. The installation of such water lines shall be under the supervision and inspection of the City and the owner shall be responsible for all reasonable charges for such expense incurred by the City.

2. Design. All water mains shall be designed by a registered engineer and sized with capacity to permit ultimate development of the water service area. The water lines

shall be constructed to the extremities of the development, where necessary, to accommodate future extensions.

3. Location. All water mains shall be constructed in the street right-of-way outside the pavement slab whenever possible.

4. Easements. When water mains are not constructed in the street right-of-way the subdivider shall dedicate permanent easements to the City for all water mains required. These easements shall have a minimum width of 10 feet each side of the water main center line. Additional width may be required to ensure access by City maintenance equipment.

5. Service Lines. Water service lines shall be installed to the right-of-way line of the lots to be served. Service lines shall be laid at 90 degrees to the water main and shall be a minimum of one inch in diameter polyethylene tubing as approved by the City for single-family and duplex-family housing. Multi-family, commercial or industrial zoning classification functions shall have a minimum water service of two-inch diameter pipe. Service lines shall be provided with corporation cocks at the main and curb stops located as required by the City or City standard construction specifications. Duplex housing shall have a separate service line to each unit. Developer and contractor shall accurately record the location of the service line during construction with respect to lot corners, pavement, and other permanent physical features. Said locations shall be furnished to the City. A steel post shall be left standing at the end of each service adjacent to the curb stop to mark the location. The post shall be painted blue to indicate a water distribution service location.

6. Plans and Specifications. Water systems shall be constructed in accordance with the approved construction drawings and standard specifications of the City.

7. Fire Hydrants. Fire hydrants shall be required for all subdivisions. Fire hydrants shall be located at street intersections and spaced no more than 300 feet in commercial and industrial areas, and no more than 400 feet in residential areas. Fire hydrants shall be Mueller or approved, equal with hydrant auxiliary valve and valve box.

8. Valves. Valves shall be spaced at equal spacings no more than 800 feet apart in residential areas, and no more than 400 feet apart in commercial and industrial areas.

160.11 STORM SEWER SYSTEM.

1. Provided By Owner. The owner of land being platted shall make adequate provision for the disposal of stormwater from the platted area. The owner shall (at the owner's expense) construct a storm sewer system including all necessary piping, manholes, and other necessary appurtenances to provide for the discharge of stormwater and sump pump water from all lots or parcels of land and the streets and alleys within the platted area, to a connection with the City's storm sewer system, or make provisions, to the satisfaction of the City Engineer and Council, for the stormwater to reach the City's storm sewer system by surface flow. A sump pump collector system shall be installed. The sump pump collector system will service the necessary lots and discharge into the City's storm sewer system or other approved outlet. Developer and contractor shall accurately record the location of the service lines during construction with respect to lot corners, pavement, and other physical features. Said locations shall be furnished to the City. A steel post shall be located at the end of each service with the top of the post to be located within one foot above the final ground surface.

2. Design. All storm drainage facilities shall be designed by a registered engineer and sized with capacity to permit ultimate development of the drainage basin, but in no case less than the 10-year storm frequency in pipe design, and 100-year storm frequency for overland stormwater drainage design of ditches and culverts. The improvements shall be constructed to the extremities of the development where necessary to accommodate future expansion and shall conform to current City standard specifications.
3. Detention Methods. When the proposed subdivision may have a detrimental effect by increasing the intensity of stormwater runoff into the City stormwater drainage system or onto adjoining properties, detention methods may be required by the City Engineer to ensure the on-site control of said runoff.
4. Location. All storm sewers shall be constructed in the street right-of-way outside the pavement slab whenever possible.
5. Easements. When storm sewers are not constructed in the street right-of-way, the subdivider shall dedicate permanent easements to the City for all storm sewers required by the City. These easements shall have a minimum width of 10 feet each side of the sewer center line. Additional width may be required to ensure access by the City maintenance equipment.
6. Dams. Where dams are proposed in any subdivision, they shall be designed by a registered engineer. A preliminary engineering report, including soil investigations and design procedures, shall be submitted to the City for review. When such dam is constructed, the subdivider's engineer shall certify to the City that the dam is constructed in accordance with the approved plans and specifications and State and federal requirements.

160.12 SIDEWALKS. Sidewalks shall be constructed along all streets within the subdivision in accordance with the City standard specifications. The owner of the land being platted shall submit to the City a performance bond guaranteeing the construction of all sidewalks within three years of the date of final plat approval by the City Council. The amount of said bond shall be the estimated cost of constructing all required sidewalks. Sidewalks shall conform to the following standards:

1. Location. Sidewalks shall be located in the street right-of-way one foot from the right-of-way line and shall be four feet in width. The sidewalk thickness shall be four inches (minimum) of Portland cement concrete. Where the sidewalk crosses the driveway, the thickness shall be six inches (minimum) or the thickness of the driveway, whichever is greater.
2. Grade. The area between the curb and nearest edge of the sidewalk shall have a slope of one-half inch per foot toward the curb. This shall be the method for determining the grade of the sidewalk.
3. Crosswalks. Crosswalks may be required in blocks over 700 feet long, or in areas where curved streets require excessive out-of-distance travel. If required, they shall be located in a right-of-way not less than 20 feet in width and shall be constructed by the developer.
4. Handicap Ramps. Handicap ramps shall be installed at all intersections and at certain mid-block locations for all new or reconstruction of curb and sidewalks in accordance with the requirements of the federal *Americans With Disabilities Act (ADA)*

and State accessibility requirements. Ramps for the handicapped shall have a textured, non-skid surface. The maximum ramp slope shall be 1-in-12.

160.13 STREET LIGHTS.

1. Required. Street lights will be required in all subdivisions unless a variance is granted by the City. Street light locations shall be shown on the utility plan provided by the utility company for the subdivision.
2. Location. Exact street light locations will be determined by the City in consultation with the utility company. As a general guideline, street lights shall be placed at all street intersections and at other intermediate points as necessary, but in no case shall the street lights be more than 300 feet apart.
3. Costs. The owner of the land being platted shall pay the material and installation costs of all street lights required, and the City will pay the energy costs for operation after installation.

160.14 UTILITIES.

1. Underground. All utility lines and mains including telephone, electric, cable TV, fiber optic, and street lighting lines, gas and water mains, and other necessary facilities (except electric lines of nominal voltage in excess of 15,000 volts) shall be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley, or pedestrian way should be installed in conduit prior to the improvement of any such street, alley, or pedestrian way in the subdivision. Underground utilities installed after the streets, alley, or pedestrian way is improved shall be installed by boring and jacking techniques. Incidental appurtenances, such as transformers and their enclosures, pedestal-mounted terminal boxes, meters, and meter cabinets may be placed above ground but shall be located so as to not be unsightly or hazardous to the public.
2. Easements. Ten-foot wide public utility easements shall be provided along the plat boundary and along the rear of all lots within the subdivision. Additional utility easement shall be provided alongside lot lines totaling 10 feet in width to provide for utility line and access to such rear lines at sufficient intervals to allow ease of access from one such easement to the next as required by the utility companies. All utility easements shall have access to a public right-of-way.
3. Plan Approval. Utility plan shall be provided and approved by the City prior to approval of the final plat.

160.15 PARKS, SCHOOL SITES, AND PUBLIC AREAS. In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to conform to any recommendations of the City Comprehensive Plan.

1. Dedication Required. At the time of final plat approval by the City Council, each owner of land being subdivided shall be required to dedicate, without cost to the City, five percent of the land being subdivided to the City for park and recreational purposes to serve the immediate and future needs of the neighborhood; or a cash contribution in lieu of actual land dedication, or a combination of both, at the option of the City.

2. Location. The City shall have the right to designate the location of the area so dedicated, giving due consideration to potential future developments adjacent to land being platted.

3. Payment-In-Lieu of Dedication. Where dedication of land is not feasible or compatible as determined by the City Council upon recommendation by the Planning and Zoning Commission and the Parks and Recreation Board, the owner of the land being platted shall pay to the City a cash contribution in lieu of the land dedication otherwise required by this section. The payments shall be placed by the City in a special fund and shall be used solely for the acquisition or development of park and recreational lands and facilities to serve the subdivision, the development, or the neighborhood of which the subdivision or development is a part. However, if the City Council, upon the recommendation of the Parks and Recreation Board, subsequently determines that (i) there is no present need for park and recreation acquisition, development, or improvement in the subdivision, development, or neighborhood in question, and (ii) that the best interests of the entire City would be served thereby, the payment received pursuant to this subsection may be applied in whole or in part toward the acquisition, development, improvement, or maintenance of any community Citywide parks within the City. Any such determination by the Council shall be by motion on a separate and distinct agenda item during any regular or special meeting of the Council.

4. Value of Payment. The payment-in-lieu of land shall be based on the total area of the plat included for residential development and on type and number of dwelling units to be constructed within the development. The fees for park land purposes in lieu of park land dedication shall be computed as follows:

Gross area included within residential plat:	\$50.00 per acre
Detached single-family units:	\$100.00 per unit
Attached single-family units:	\$75.00 per unit
Apartments:	\$50.00 per unit
The fees shall be paid by the developer concurrently with the final plat approval by the City Council.	

160.16 APPROVAL OF FINAL PLAT AND FINAL ACCEPTANCE OF IMPROVEMENTS. Provisions for the final approval and acceptance of the final plat and improvements are as follows:

1. Construction of Improvement or Posting of Bond. Before the Council approves the final plat, all of the improvements required in this chapter shall be constructed and accepted by formal resolution of the Council. Before passage of a resolution of acceptance, the City Engineer shall report that the improvements meet all City specifications, ordinances or other requirements, and all agreements between the subdivider and the City; and the City Attorney shall report that the subdivision owner has filed in proper form maintenance bonds to cover all construction being dedicated to the City. Maintenance bonds shall be in the name of the contractors who have done the work. Maintenance bonds shall be in effect from the passage of the resolution of acceptance by the Council, then for the following numbers of years:

- A. Street paving - four years.
- B. Storm sewers and appurtenances - two years.
- C. Sanitary sewers and appurtenances - two years.

- D. Water mains and appurtenances - two years.
 - E. Sidewalks - four years.
2. Acceptance of Improvements.
- A. Inspection. Upon completion of construction, the City Engineer (or designee) shall conduct final inspection of the improvements. Subdivider may request that the City accept each phase of construction (sanitary sewer, water mains, pavements, etc.) as they are completed.
 - B. Request for Acceptance. The subdivider shall submit the following items with the request for acceptance to the City Clerk prior to approval of final plat by the Commission and City Council
 - (1) Three copies of the record drawings (as-built drawings) prepared by the subdivider's engineer in accordance with the *Code of Iowa*.
 - (2) Notification from the City Clerk that all fees have been paid.
 - (3) Maintenance bonds in the amount specified for the improvement to be accepted.
 - (4) Certification from the land surveyor that all property corner monuments are in place as indicated on the final plat.
 - C. Distribution of Copies. The City Clerk shall forward two copies of the construction record drawings and one copy of the maintenance bonds to the City Engineer, and one copy of the maintenance bonds to the City Attorney for review. The City Clerk shall retain one copy of each for the City files.
 - D. Action By City Council. The City Council, at a regularly scheduled meeting, shall act upon the acceptance request. The City Engineer and the City Attorney shall submit to the Council their recommendations. The Council's actions shall be approval or denial of said request.
 - E. Denial. In the case of denial the City Council shall notify the applicant of its decision and the reasons thereof. Applicant shall correct any deficiencies in accordance with the Council action.
 - F. Approval. In the case of approval, the Council shall release the performance bonds (if provided by the subdivider) for the improvements corresponding to the improvements accepted.
 - G. Permits. Upon acceptance of all improvements in the subdivision, or as deemed appropriate by the Council, with recommendation from the City Engineer, building permits may be issued by the Building Inspector.
 - H. Corrective Construction or Reconstruction. The City shall review the improvement facilities through the life of the maintenance bonds with regard to stability of material and workmanship. During the life of the bond, should corrective construction or reconstruction be required in the opinion of the City Engineer, the City shall notify the principal of the bond as to the deficiencies that have occurred. Principal shall, within a reasonable time, repair or replace the defective portion of the improvements involved at no cost to the City under the terms of the bond.

3. Waiver. The requirements for the construction of all improvements may be waived if the subdivider will post a performance bond or certified check with the Council guaranteeing that the improvements will be constructed within a period of one year from final acceptance of the preliminary plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after all construction has been completed, all in accordance with the requirements of this chapter. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

4. Resubdivisions. The Council may waive the requirements for the construction and installation of some or all of the improvements required in this chapter in cases of resubdivisions where only the size, shape, and arrangement of the lots are being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding. .

160.17 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a recorded plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider (or representative) may call at the City offices in advance of submitting the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. Number of Copies and Scale. Three copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one inch equals 50 feet on small subdivisions and one inch equals 100 feet on large subdivisions, unless otherwise approved by the Commission.
2. Contents of Preliminary Plat. Preliminary plat contents are as follows:
 - A. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
 - B. Legal description.
 - C. Name and address of recorded owner and of developer.
 - D. Name and address of engineer and/or land surveyor.
 - E. Existing buildings, railroads, underground utilities, and other rights-of-way.
 - F. Location, names, and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
 - G. Easements. Location and character of existing and proposed easements within proposed subdivision.
 - H. Location and names of adjoining subdivisions, and the names of the owners of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
 - I. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.

- J. Areas dedicated for public use, such as schools, parks, and playgrounds.
- K. Contour lines at intervals of not more than two feet.
- L. Building setback lines.
- M. Boundaries of the proposed subdivision shall be indicated by a heavy line.
- N. Zoning classification of the area.
- O. Proposed utilities and services.
 - (1) Source of water supply.
 - (2) Provision for sewage disposal.
 - (3) Provision for stormwater drainage.
- P. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
- Q. Lot numbers. Proposed lot number of all lots designed for use as designated in the zoning classification. All lots not meeting the requirements of the zoning classification shall have alphabetical designations and intended use. All streets, alleys, and other public rights-of-way shall have alphabetical lot designations.
- R. Proposed street rights-of-way and pavement widths.
- S. Soil percolation tests. Any plat that is not served by public utilities shall include percolation tests of which a copy of the results be provided to the City and permit issued by the County Board of Health.

3. Accompanying Material. An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

160.18 FINAL PLAT REQUIREMENTS. Final plat requirements are as follows:

- 1. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit 10 copies of the final plat for review by the Commission. The scale of the map shall be one inch equals 50 feet on small subdivisions and one inch equals 100 feet on large subdivisions, unless otherwise approved by the Commission.
- 2. Contents of Final Plat. Contents of the final plat are:
 - A. Name of subdivision.
 - B. Scale.
 - C. Compass point.
 - D. Curve data including delta angle, length of arc, radius, tangent, and chord.

- E. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles.
- F. Exact name, location, width, lot designation, and center line of all streets within the subdivision with distances, bearings, and angles.
- G. Easements and rights-of-way for public uses and utilities showing width and use intended.
- H. Building setback lines with dimensions.
- I. Official legal description of the property being subdivided.
- J. Lot numbers.
- K. Certification of registered land surveyor.
- L. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.
- M. The final plat shall be an exact duplicate of that plat proposed to be filed for record in the County Recorder's office.

3. Accompanying Material. The following material shall accompany the final plat:

- A. Any protective covenants, restrictions, or easements to be imposed upon the plat shall be submitted for approval.
- B. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.
- C. The following documents:
 - (1) A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
 - (2) Performance bond, if any.
 - (3) 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.
 - (4) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens, or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances.

- (5) 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*.
- (6) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.
- (7) All fees required for final plat approval.

160.19 MINOR PLAT.

1. Purpose and Intent. To simplify the approval procedures in those subdivisions for which all required public improvements are in place, the Commission will waive the preliminary plat procedure when the conditions below have been met.
2. Procedure. Upon the recommendation from the pre-application conference, and the determination of the City Clerk (with the recommendation of the City Engineer) that the proposed subdivision meets the conditions as specified in Section 160.03(35) of this chapter, a developer may be permitted to proceed with a minor subdivision.
3. Application. The application for a minor subdivision shall be submitted to the City Clerk at least 14 days prior to the Planning and Zoning Commission meeting at which time the plat is to be acted upon. The following shall be submitted with the application:
 - A. Application fee.
 - B. Ten copies of the plat.
 - C. Statement listing all owners of record of the land being platted.
 - D. A list providing property addresses, owners, and mailing addresses of all properties within 200 feet of the exterior boundaries of the plat obtained from the County Recorder's office.
 - E. Any other supplemental material as required for final plat.
4. Application Acceptance or Refusal. Upon submittal of the minor subdivision plat, the City Clerk shall review the plat to ensure all data required has been provided. The submitted application and supplemental material shall then be forwarded to the City Engineer for review of correctness of form. Specifically, the City Clerk and City Engineer may refuse to proceed with a minor subdivision plat if one or more of the following conditions are present.
 - A. The proposed lots violate this Code of Ordinances.
 - B. The plat would require the dedication or vacation of any public right-of-way.
 - C. The plat would require the vacation of any necessary easements.
 - D. In the opinion of the City Engineer, additional public right-of-way should be dedicated.
 - E. In the opinion of the City Engineer, the plat does not conform to the Comprehensive Plan or other plans for the area.

5. If any of the above conditions are found and the developer wishes to proceed to subdivide, the preliminary and final plat procedure shall be adhered to in lieu of minor plat.

160.20 FEES. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for plat approval and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the City Clerk, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1. Subdivider shall be responsible for just and reasonable costs incurred by the City for review of preliminary and final plats and construction plans deemed necessary by the City to insure proper conformance with this Code of Ordinances and standard specifications.
2. Subdivider shall be responsible for just and reasonable costs incurred by the City during the course of construction of the improvements for inspection, testing, or other work deemed necessary by the City to insure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.

160.21 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions, that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices, the Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

160.22 ENFORCEMENT. No plat or subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided unless such subdivision and streets have been approved in accordance with the provisions contained in this chapter and accepted by the Council as a public street.

160.23 CHANGES AND AMENDMENTS. Any provision of this chapter may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least 15 days prior to the hearing.

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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.

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 as of the effective date 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 these regulations.

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.
5. All structures existing, as of the effective date of this chapter and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue and exist or be reconstructed on the current perimeters of the existing structure.

165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

1. Official Zoning Map.
 - A. 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.
 - B. 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 Collins, Iowa," together with the date of adoption.
 - C. If, in accordance with the provisions of this chapter and Chapter 414 of the *Code of Iowa*, changes are made in district boundaries or other 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 to the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)
 - D. No amendment of these regulations 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. Annexation of New Land. Any land annexed to the City after the effective date of this chapter shall be zoned *AG: Agricultural* until the Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in accordance with this chapter.
3. 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.
4. 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 Ordinance No. _____ of the City of Collins, Iowa."

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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 center lines of streets, highways, or alleys shall be construed to follow such center lines;
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 center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 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 the City Council vacates and disposes of a street or alley, adjacent districts shall extend to the center line 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 purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

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 building” 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. “Agricultural services” means establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.

6. "Agriculture" means the production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, 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 land devoted to a soil conservation or forestry management program. "Agricultural" shall not include livestock confinements of greater than 20 animals unless the owners of said facility reside on the premises.
7. "Alley" means a public way, other than a street, 30 feet or less in width, affording secondary means of access to abutting property.
8. "Basement" means a story having part but not more than one-half 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 feet.
9. "Bed and breakfast house" means a house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
10. "Board" means the City's Board of Adjustment.
11. "Boarding house" means a building other than a hotel where, for compensation, meals and lodging are provided for four or more persons.
12. "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.
13. "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.
14. "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.
15. "Dwelling" means any building, or portion thereof, designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
16. "Dwelling, multiple" means a building or portion thereof designed for or occupied exclusively for residence purposes by two or more families.
17. "Dwelling, single-family" means a building designed for or occupied exclusively for residence purposes by one family.
18. "Elder home" means any residential facility which meets the definition of an elder home as defined in Section 414.29 and referenced sections of the *Code of Iowa*.
19. "Family" means one or more persons related by blood, marriage, or adoption occupying a single dwelling unit. A family may include three, but not more than three, persons not related by blood, marriage, or adoption but further provide that domestic employees employed on the premises may be housed on the premises without being counted as a family or families. When facilities for dwelling purposes are rented to

other occupants of a building, those occupants shall not be considered part of the same family under this chapter.

20. “Family home” means a community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.

21. “Fence” means an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

22. “Frost-free foundation” means a foundation supporting a structure which is required to be at least 42 inches below grade.

23. “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.

24. “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.

25. “Garage, public or storage” means a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

26. “Grade” means the average elevation of the finished ground at the exterior walls of the main building.

27. “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 24 consecutive hours accommodation, board, personal assistance and other essential daily living activities to three 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 24 consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three 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 24 consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three 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 24-hour per day basis.

28. “Home occupation” means an occupation conducted in a dwelling unit, provided that:

A. No more than one person, other than members of the family residing on the premises, shall be engaged at any one time in such occupation, except by special exception by the Board of Adjustment. If a special exception is granted, the number of persons, other than members of the family residing on the premises, shall not exceed three.

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 30 percent of the gross floor area in the dwelling unit shall be used in the conduct of the home occupation. Any extension of the home occupation beyond 30 percent of the gross floor area of the dwelling unit shall only be approved by special exception of the Board of Adjustment. If a special exception is granted, the gross floor area shall not exceed 50 percent.

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 sign, not exceeding two square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

D. No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment.

E. 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.

F. 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 causes fluctuations in line voltage off the premises.

G. All home occupations shall be registered with the Zoning Administrator within 12 months of the effective date of this chapter. If not registered, such home occupations shall lose any legal status provided by this chapter.

29. “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 24 hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding 24 hours of obstetrical or other medical or nursing care for two 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 24 hours of two 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.

30. "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.

31. "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.

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

33. "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.

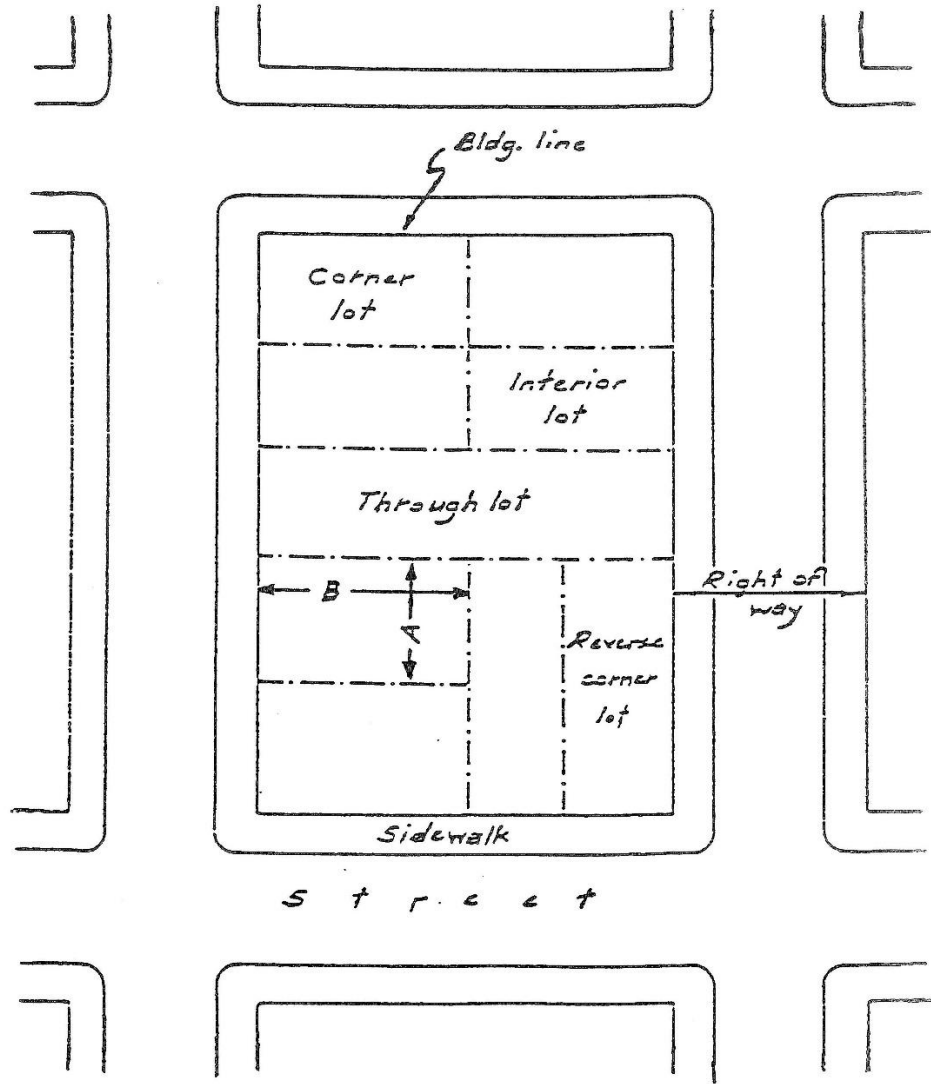
34. "Lot" means a plot or parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, or on an approved private street, and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

35. "Lot frontage" means the portion of the lot 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.

36. “Lot measurements” means:
- A. 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 80 percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac where 80 percent requirement shall not apply.
 - B. 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.
37. “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.
38. “Lot type” means corner lots, interior lots, reversed corner lots, and through lots, defined in Subsections A through D below, and illustrated in *CHART – LOT* on the following page:
- A. “Corner lot” means a lot located at the intersection of two or more streets.
 - B. “Interior lot” means a lot other than a corner lot with only one frontage on a street other than an alley.
 - C. “Reversed corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
 - D. “Through lot” means a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two non-intersecting streets may be referred to as “through” lots.

CHART — LOT



A - Width of lot

B - Depth of lot

39. “Manufactured home” means a home located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 435.1 of the *Code of Iowa* is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the *Code of Iowa*, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.
40. “Mobile home” means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.
41. “Motel,” “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.
42. “Nonconformities” means lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Regulations but were lawful at the date of enactment of the ordinance codified in this chapter.
43. “Nursery school” means an establishment providing for the care, supervision, and protection of children.
44. “Nursing home” 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.
45. “Parking space” means an area of not less than 180 square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.
46. “Parking (off-street)” means parking spaces solely developed on privately owned properties and not including any public right-of-way areas.
47. “Permitted use” means a use by right which is specifically authorized in a particular zoning district.
48. “Person” means a firm, association, organization, partnership, trust, company, corporation or individual.
49. “Principal use” means the main use of land or structures as distinguished from an accessory use.
50. “Projections (into yards)” means parts of buildings, such as architectural features, that extend beyond the building’s exterior wall.

51. “Service station” or “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.
52. “Setback” means the required distance between every structure and lot line on the lot in which it is located.
53. “Sign” means any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.
54. “Sign, on-premises” means an advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.
55. “Sign, off-premises” means an advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: on-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.).
56. “Statement of intent” means a statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.
57. “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.
58. “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 feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.
59. “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.
60. “Street line” means the right-of-way line of a street.
61. “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.
62. “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.
63. “Swimming pool” means a water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land or an above-surface pool, having a depth of more than 30 inches designed, used, and maintained for swimming and bathing.
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 the Zoning Regulations 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.

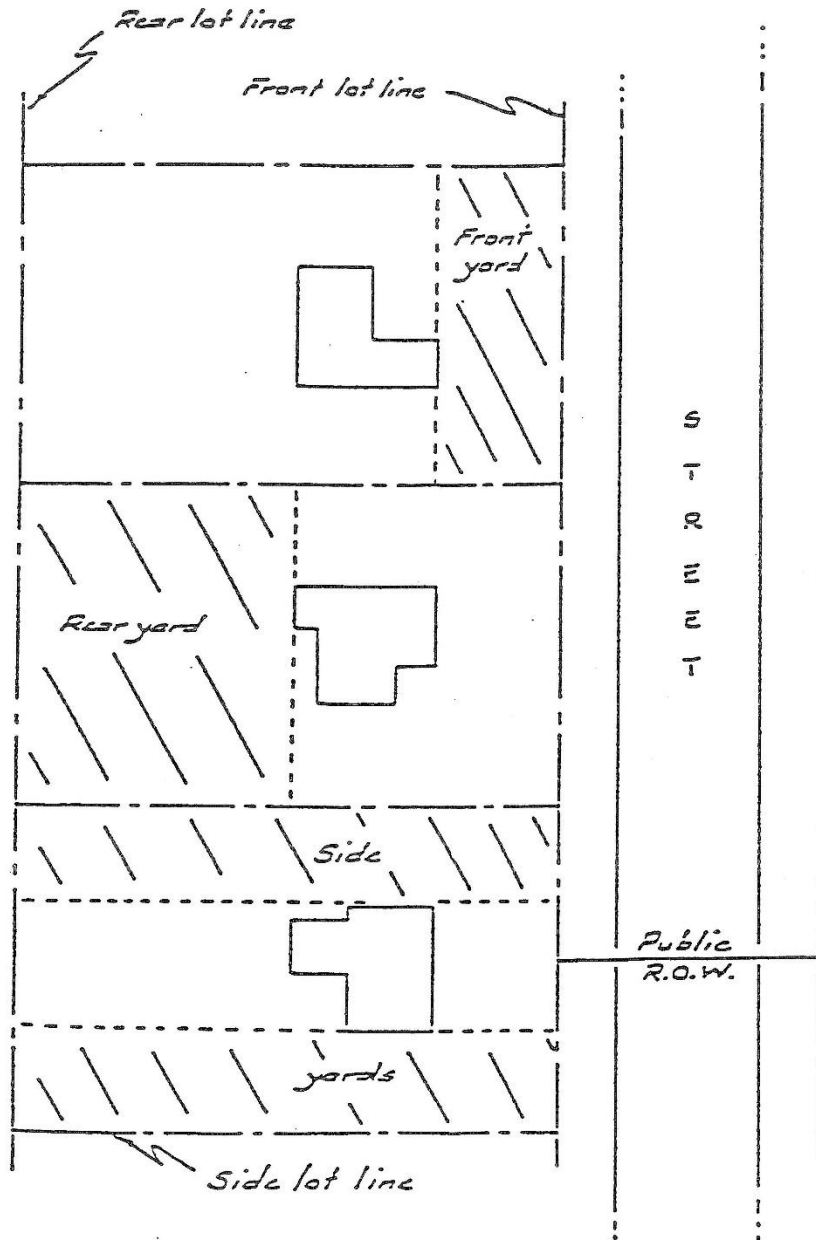
66. “Yard” means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least 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. Corner lots shall have two front yards and two side yards. (See *CHART - YARD* 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 - YARD* 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. (See *CHART - YARD* on following page)

CHART — YARD



70. “Zoning Administrator” means the local official responsible for reviewing zoning 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 Administrator.

71. “Zoning Commission” or “Planning and Zoning Commission” means a Commission appointed by the City Council to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this chapter. (See also Chapter 22)

72. “Zoning district” means a section the City designated in the text of the Zoning Regulations 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.

73. “Zoning Map” means the map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Regulations.

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NONCONFORMITIES

165.10 NONCONFORMITIES. Within the districts established by this chapter there exist lots, structures, uses of land and structures, and characteristics of use, which were lawful before these regulations were adopted or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendments. 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; however, it is the intent of this chapter to allow structures which were nonconforming under the previous chapter, 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 of record 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.

165.12 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of adoption 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 \$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 these regulations.
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 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.
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 these regulations 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 an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except on the existing foundation for principal buildings or in conformity with the provisions of this chapter.
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 \$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 these regulations, 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 be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.
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 six consecutive months or for 12 months during any three-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.
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 this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction. Replacement shall begin within six months of the time of destruction or the

nonconforming status shall expire. Said construction shall also be completed within 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 adoption 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.

[The next page is 999]

DISTRICT REGULATIONS

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

1. AG: Agricultural District
2. RS: Residential Single-Family District
3. RM: Residential Multi-Family District
4. MH: Mobile Home District
5. AC: Arterial Commercial District
6. BC: Central Business Commercial District
7. LI: Light Industrial District
8. 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 and structures and excluding offensive uses and commercial livestock feed confinements that do not meet the definition of "Agricultural."
 - B. Home occupations.
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. Such buildings shall be removed upon the completion or abandonment of the construction work.
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. Publicly operated sanitary landfills.
 - 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. Agricultural services.

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: The Lesser Of
2 acres	125	35	10	35	2½ stories or 35 feet
* No structure shall be allowed closer than 100 feet to any RS or RM District.					
** Agricultural accessory buildings are exempted from these requirements.					

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

- A. Dwellings: two parking spaces on the lot for each living unit in the building.
- B. Churches: one parking space on the lot for each five seats in the main auditorium.
- C. Public buildings and facilities: one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
- D. Roadside stands: one parking space for each 50 square feet of enclosed floor area.
- E. Greenhouses and nurseries: one parking space per 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.

8. Signs. The following sign regulations shall apply to the AG District:

- A. Off-premises signs, except political signs, are not permitted.
- B. On-premises signs are permitted.
- C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- E. No sign may imitate or resemble an official traffic control sign, signal or device.
- F. Signs shall not encroach or extend over public right-of-way.
- G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision.

or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

J. Signs may be erected on municipal utility structures by written approval of the City.

[The next page is 1007]

165.24 RS: RESIDENTIAL SINGLE-FAMILY DISTRICT.

1. Intent. This district is intended to provide for a variety of single-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 by varying the minimum bulk regulations. 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. Elder homes.
 - E. Home occupations.
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.
 - C. Temporary buildings for uses incidental to construction work. Such 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 requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Nursery schools.
 - B. Public or private utility substations, relay stations, etc.
 - C. Churches and church-owned buildings and facilities.
 - D. Publicly owned and operated buildings and facilities.
 - E. Private schools with a curriculum similar to public schools.
 - F. Golf courses but not miniature courses or separate driving tees.
 - G. Bed and breakfast houses.

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

Min. Zoning Symbol	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
*6 RS	6,000	50	25	7	20	2½ stories or 35 feet
9 RS	9,000	75	25	8	25	2½ stories or 35 feet
40 RS	40,000	100	50	20	50	2½ stories or 35 feet
Note: Corner lots shall have two front and two side yards.						
*In the 6 RS classification, no new lots shall be created after the effective date of adoption of the ordinance codified in this chapter unless they are a minimum of 9,000 square feet. The 6 RS classification is intended to recognize existing lots of record.						

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

- A. Dwellings: two parking spaces on the lot for each living unit in the building.
- B. Two-family dwellings: one parking space on the lot for each dwelling unit.
- C. Churches: one parking space on the lot for each five seats in the main auditorium.
- D. Public buildings and facilities: one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
- E. Elementary, junior high and equivalent private or parochial schools: one parking space for each classroom and office plus one parking space for each 300 square feet of gross floor area in the auditorium or gymnasium.
- F. Senior high schools and equivalent private or parochial schools: one parking space for each employee and one parking space for each 10 students.
- G. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one parking space for each employee and one parking space for each five students.
- H. Public buildings and facilities: one parking space for each 300 square feet of gross floor area.
- I. Nursery schools: one parking space per employee.

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.

8. Signs. The following sign regulations shall apply to the RS District:
 - A. Off-premises signs are not permitted except for political signs.
 - B. On-premises signs are permitted.
 - C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - E. No sign may imitate or resemble an official traffic control sign, signal or device.
 - F. Signs shall not encroach or extend over public right-of-way.
 - G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
 - J. Signs may be erected on municipal utility structures by written approval of the City.

[The next page is 1015]

A. 165.26 RM: RESIDENTIAL MULTI-FAMILY DISTRICT.

1. Intent. 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 by varying the minimum bulk regulations. 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. Multi-family dwellings.
 - C. Home occupations.
 - D. Family homes.
 - E. Elder homes.
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.
 - D. Temporary buildings for uses incidental to construction work. Such 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. Nursery schools.
 - B. Public or private utility substations, relay stations, etc.
 - C. Churches and church-owned facilities and publicly owned and operated buildings and facilities.
 - D. Private schools with curriculum similar to public schools.
 - E. Lodging houses, dormitories, fraternities and sororities.
 - F. Bed and breakfast houses.
 - G. Health care facilities.
 - H. Hospitals.

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 Per Dwelling (sq. ft.)	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (feet)
3,000	9,000	75	25	8	25	3 stories or 45 feet

Note: Corner lots shall have two front and two side yards.

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

- A. Single-family dwellings: two parking spaces on the lot.
- B. Multi-family dwellings: one parking space on the lot for each dwelling unit.
- C. Churches: one parking space on the lot for each five seats in the main auditorium.
- D. Elementary, junior high, and equivalent private or parochial schools: one parking space for each classroom and office plus one parking space per each 300 square feet of gross floor area in auditorium or gymnasium.
- E. Senior high schools and equivalent private or parochial schools: one parking space for each employee and one parking space for each 10 students.
- F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one parking space for each employee and one parking space for each five students.
- G. Public buildings and facilities: one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
- H. Nursery schools: one 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.

8. Signs. The following sign regulations shall apply to the RM District:

- A. Off-premises signs are not permitted except for political signs.
- B. On-premises signs are permitted.
- C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- E. No sign may imitate or resemble an official traffic control sign, signal or device.
- F. Signs shall not encroach or extend over public right-of-way.

G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

J. Signs may be erected on municipal utility structures by written approval of the City.

[The next page is 1023]

165.28 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.
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 recreational facilities.
 - B. Temporary buildings for uses incidental to construction work. Such 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. Nursery schools.
 - C. Churches or accessory facilities (on or off site).
 - D. Home occupations in accessory buildings.
5. Minimum Mobile Home Park Requirements. All applications for a permit to establish a mobile home park shall contain:
 - A. The area and dimensions of the tract of land.
 - B. The number, location, and size of all mobile home lots.
 - C. The location of water and sewer lines and riser pipes.
 - D. Plans and specifications of the water supply and refuse and sewage disposal facilities.
 - E. Plans and specifications for all permanent buildings constructed or to be constructed within the mobile home development.
 - F. The location and details of lighting and electrical systems.
 - G. The Zoning Commission shall review all applications for permits under the provisions of this chapter, and the applicant may be granted a public hearing before the Zoning Commission. The results of Zoning Commission findings shall be forwarded to the City Council for approval of the said plans.
6. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the MH District:
 - A. No mobile home shall be located within 15 feet of any other, within five feet of any driveway or parking space, within 40 feet of the right-of-way line of a public street.

- B. Each mobile home site shall be provided with a stand consisting of a solid, six inch thick, poured Portland cement concrete apron not less than 8 feet wide and 45 feet long and a paved outdoor patio of at least 180 square feet located at the main entrance to the mobile home.
- C. A greenbelt, at least 30 feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.
- D. Each mobile home shall be located on a lot having an area of at least 5,000 square feet.
- E. Each mobile home shall be completely enclosed with skirting.
- F. Each mobile home park shall be graded and drained so that rain water will not stand in pools or puddles.
- G. Each mobile home park shall be enclosed by a fence or screen planting so as to provide privacy for the occupants of the park.
- H. Each street and parking area in any mobile home park shall be bounded by a sidewalk at least four feet wide.
- I. 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 feet
	2 way	24 feet
(2) Parallel parking on side	1 way	20 feet
	2 way	30 feet
(3) Parallel parking both sides	1 way	26 feet
	2 way	36 feet

- 7. Parking and Street Requirements.
 - A. All required off-street parking space shall be located not further than 200 feet from the unit or units for which they are designated.
 - B. A minimum of two off-street parking spaces must be provided for each mobile home unit space provided within the park. The two-unit space for occupant use must be within the distance from the unit established above. In addition, one space per four mobile home units shall be located within the park.
- 8. Signs. The following sign regulations shall apply to the MH District:
 - A. Off-premises signs are not permitted except for political signs.
 - B. On-premises signs are permitted.
 - C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - E. No sign may imitate or resemble an official traffic control sign, signal, or device.
 - F. Signs shall not encroach or extend over public right-of-way.

G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

J. Signs may be erected on municipal utility structures by written approval of the City.

[The next page is 1031]

165.30 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 locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. 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, facilities, parks, and campgrounds.
 - 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. Such 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.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings 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: The Lesser Of
9,000	75	25	8	25	3 stories or 45 feet
Note: Corner lots shall have two front and two side yards.					

6. Off-street Parking. The following off-street parking requirements shall apply in the AC District:
 - A. Sales and service buildings: one parking space per 300 square feet of gross floor area.
 - B. Offices or clinics: one parking space per 300 square feet of gross floor area.
 - C. Churches: one parking space on the lot for each five seats in the main auditorium.
 - D. Public buildings and facilities: one parking space per 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
 - E. Hotels and motels: one parking space per room plus one 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.
8. Signs. The following sign regulations shall apply to the AC District:
 - A. Off-premises and on-premises signs are permitted.
 - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - D. No sign may imitate or resemble an official traffic control sign, signal or device.
 - E. Signs shall not encroach or extend over public right-of-way.
 - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
 - I. Signs may be erected on municipal utility structures by written approval of the City.

165.32 BC: CENTRAL BUSINESS COMMERCIAL DISTRICT.

1. Intent. This district is intended to accommodate the major business and office concentration in the City. It is characterized further by a variety of stores and related activities which occupy the central commercial area of the City. This district is intended to be the single central business district of the City and no other use of this district shall be utilized other than contiguously with the currently established BC District. Bulk regulations further reflect a more in time use and development pattern.
2. Permitted Uses. The following uses are permitted in the BC District:
 - A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
 - B. Offices/clinics.
 - C. Hotels and motels.
 - D. Publicly owned and operated buildings and facilities.
 - E. Hospitals.
 - F. Health care facilities.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the BC District:
 - A. Outdoor sales and service.
 - B. Private garages.
 - C. Parking lots.
 - D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
 - E. Accessory uses customarily incidental to any permitted principal use.
4. Special Exceptions. Certain uses may be permitted in the BC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Service stations.
 - B. Warehousing.
 - C. Churches or accessory facilities (on or off site).
 - D. Outdoor storage.
 - E. Dwellings (second floor and above) may be owner occupied or rented or otherwise used as a separate dwelling. *(Ord. 2021-1 – Jan. 22 Supp.)*
 - F. *Living quarters on the first floor of persons employed on the premises, with no less than 50% of said premises being dedicated to commercial space/usage, verifiable by the City.* *(Ord. 2021-1 – Jan. 22 Supp.)*

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

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
None	None	None	None	None	3 stories or 45 feet

6. Off-Street Parking. None required.

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

A. All activities or uses allowed in the BC 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.

8. Signs. The following sign regulations shall apply to the BC District:

A. On-premises and off-premises signs are permitted.

B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

D. No sign may imitate or resemble an official traffic control sign, signal or device.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City, or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

H. Signs may encroach, extend or overhang a public right-of-way but in no instance shall said sign be closer than two feet to the street line.

I. Signs may be erected on municipal utility structures by written approval of the City.

[The next page is 1043]

165.34 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. Outdoor storage is allowed in this district. 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.
 - G. Contractors' offices and storage of equipment.
 - H. Public or private utility substations, relay stations, etc.
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. Certain uses may be permitted in the LI District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
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: The Lesser Of
9,000	75	30	15	30	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 parking space on the lot for each 300 square feet of floor area.
 - B. All industrial uses shall provide one parking space on the lot for each two 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.
8. Signs. The following sign regulations shall apply to the LI District:
 - A. Off-premises and on-premises signs are permitted.
 - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - D. No sign may imitate or resemble an official traffic control sign, signal or device.
 - E. Signs shall not encroach or extend over public right-of-way.
 - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
 - I. Signs may be erected on municipal utility structures by written approval of the City.

[The next page is 1049]

165.36 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 City Council 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 City Council approval before a zoning 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 feet high located within building lines and the junk piled not higher than the fence.
 - N. Commercial livestock confinements not meeting the definition of "Agricultural."
3. Required Conditions.
 - A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed 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 100 feet from any "R" District boundary, except where adjoining a railroad right-of-way, and 50 feet from any commercial boundary.
4. 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.

5. 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: The Lesser Of
9,000	80	30	15	30	3 stories or 45 feet

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

- A. All commercial uses shall provide one parking space on the lot for each 300 square feet of floor area.
- B. All industrial uses shall provide one parking space on the lot for each two employees of maximum number employed at any one time.

7. 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.

8. Signs. The following sign regulations shall apply to the HI District:

- A. Off-premises signs are permitted.
- B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
- C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- E. No sign may imitate or resemble an official traffic control sign, signal or device.
- F. Signs shall not encroach or extend over public right-of-way.
- G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- J. Signs may be erected on municipal utility structures by written approval of the City.

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[The next page is 1057]

SUPPLEMENTARY DISTRICT REGULATIONS

165.40 SUPPLEMENTARY DISTRICT REGULATIONS.

1. **Building Lines on Approved Plats.** Whenever the plat of a land subdivision approved by the Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.
2. **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.
3. **Erection of More Than One Principal Structure on a Lot.** In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.
4. **Accessory Buildings or Structures.**
 - A. No accessory building or structure shall be closer than six feet to the rear or side lot line. However, in residential districts no accessory building or structure shall be closer than 10 feet from the rear property line or eight feet from a side property line. A minimum of 12 inches for overhang or eaves shall be required, except on buildings 10 feet by 12 feet maximum or smaller. Accessory building or structure sidewalls shall not exceed 10 feet in height and no part of said structure may exceed 14 feet in height.
 - B. Accessory buildings/structures located in the rear yard may not occupy more than 20 percent of the rear yard. No accessory building/structure shall be used without occupancy of the principal building. If a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 15 feet. These rules shall not prohibit the construction of a garage which is 550 square feet or less in any rear yard.
 - C. Accessory buildings or structures built on skids, or deemed as mobile, will not require a building permit but will be required to meet all setback and height guidelines as stipulated in this Code of Ordinances as an accessory building or structure. Accessory buildings or structures placed or constructed in violation of setback guidelines will be subject to a fine (in accordance with nuisance abatement procedures) until brought into compliance. Or, in the event of a height infraction, the accessory building or structure will be required to be modified to meet City Code or be removed from City limits. Such accessory building or structure deemed as mobile will be restricted in length and width to be no larger than 12 feet by 20 feet, or a total of 240 square feet in size.
5. **Fences.** No fence more than four feet high may be located on any part of a lot, except fences less than six feet high may be erected on those parts of a lot that are as far back or further back from a street than the main building. Higher fences may be allowed by special exception only. In residential districts, the finished fence side shall

face the abutting adjacent property. The finished side shall be construed to mean the side opposite the posts, braces or other supporting structure.

6. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from the height regulations provided in specific district regulations.

7. Projections. Sills, belt courses, cornices, and ornamental features may project only two feet into a required yard.

8. 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 feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning Administrator.

9. Porches. Open, unenclosed porches may extend 10 feet into a front yard.

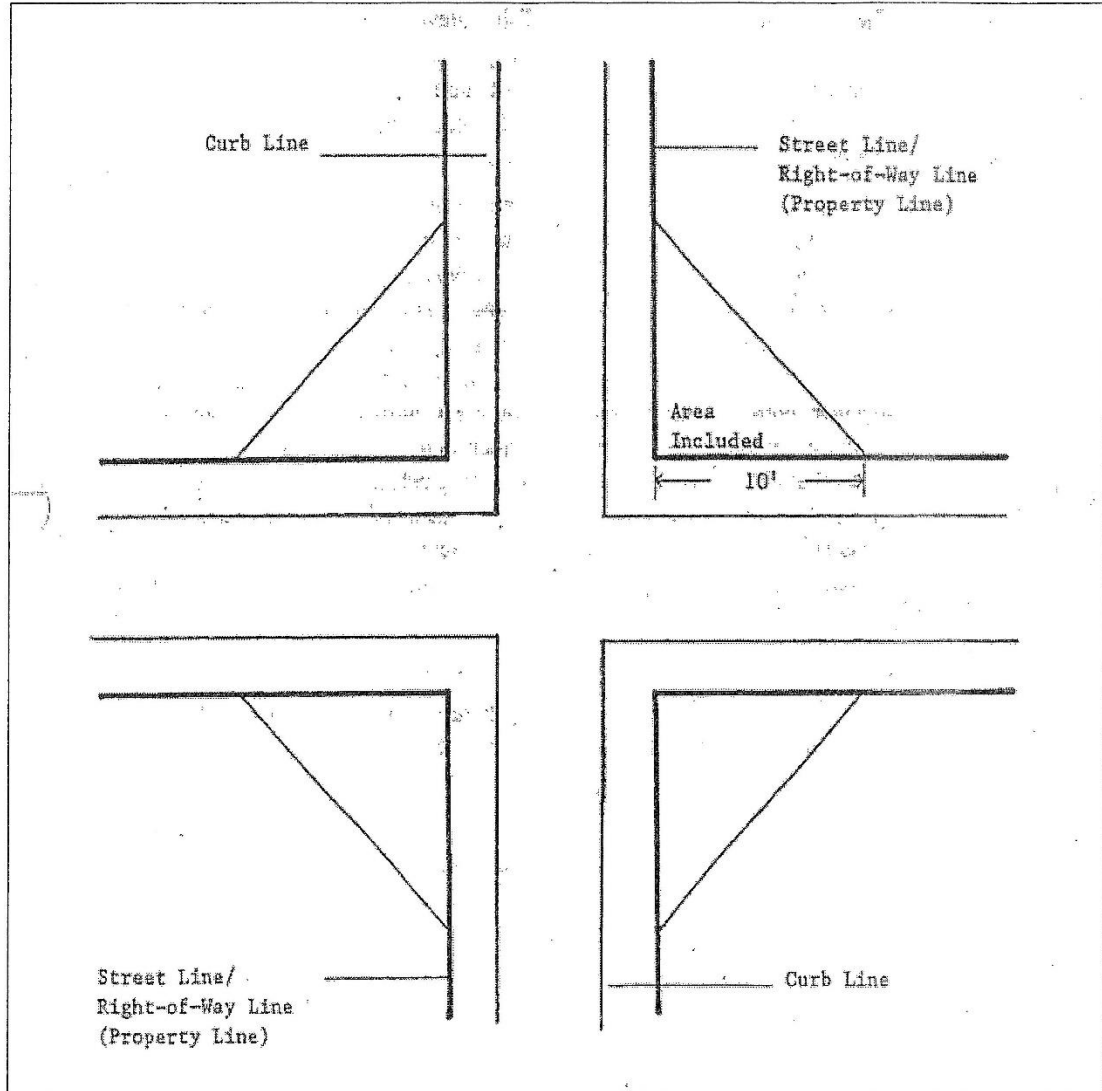
10. Terraces or Decks. Terraces or decks which do not extend above the level of the ground (first) floor may project into a required yard. Terraces or decks which do extend above the level of the ground (first) floor shall meet all setback requirements.

11. Service Lines. Nothing in these regulations shall have the effect of prohibiting utility service lines.

12. 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 and seven 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 10 feet from the point of the intersection. (See *DIAGRAM – Corner Lots – Yards and Visibility* on following page.)

DIAGRAM

Corner Lots — Yards and Visibility



13. **Parking Spaces.** All vehicular parking spaces located in required front yards shall be a minimum of 10 feet in width and be surfaced with gravel, concrete, or asphalt.
14. **Recreational Vehicle Occupancy, Storage, Parking.**
 - A. **Recreational Vehicle Definition:** A vehicular-type unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.
 - B. No recreational vehicle shall be used as a permanent place of dwelling for indefinite periods of time. Continuous occupancy extending beyond 14 days in any 12-month period shall be presumed to be permanent occupancy. *(Exceptions to these restrictions may be permitted by prior Council approval during regular or special Council meeting.)*
 - C. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair or to attach the recreational vehicle to the grounds for stabilizing purposes, is hereby prohibited.
 - D. No front yard storage is allowed exceeding 48 hours.
 - E. Storage or parking of recreational vehicles is allowed in the rear yard. If the rear yard is not accessible, the recreational vehicle can be stored or parked in the side yard but must meet residential zoning side yard requirements.
 - F. Any recreational vehicle which exceeds 40 feet in length or 14 feet in height shall not be permitted for storage in any residential area.
 - G. Recreational vehicles must have current registration.
15. **Swimming Pools.** Private swimming pools shall be allowed only in rear yards and shall not be allowed in front or side yards.
16. **Satellite Dishes.** Satellite dishes less than two meters in diameter are not regulated by this chapter. Satellite dishes larger than 2 meters in diameter shall be allowed in all districts except in front yards. The placement of such satellite dish antennas, either permanent or temporary, shall be treated as accessory structures. When such 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 12 feet except for commercial use.
17. **Planned Unit Development.** The owner or owners of any tract of land comprising an area of not less than 10 acres may submit to the City Council of the City of Collins, Iowa, a plan for the use and development of the entire tract of land. The development shall be referred to the Zoning Commission for study and report and for public hearing. If the Commission approves the development plan, the plan, together with the recommendation of the Commission, shall then be submitted to the City Council for consideration and approval. If the City Council approves the plan, a zoning/building permit may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by

the plans do not conform in all respects to the district regulations of the district in which it is located except as follows:

- A. Only uses permitted in the “R” Districts shall be permitted.
- B. The average lot area per family contained in the proposed plan, exclusive of the area occupied by right-of-way, will not be less than the lot area per family required in the district in which the development is located.
- C. Said area shall then be designated on the Official Zoning Map.

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ADMINISTRATION

165.50 ADMINISTRATION AND ENFORCEMENT. A Zoning Administrator designated by the City Council shall administer and enforce these regulations. The Administrator may be provided with the assistance of such other persons as the City Council may direct.

165.51 ZONING/BUILDING PERMIT REQUIRED. No building, fence, sidewalk or other structure or portion thereof shall be erected, moved, demolished, or added to without a zoning/building permit therefor issued by the Zoning Administrator. No zoning/building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for zoning/building permits shall be as provided by City Council resolution. Zoning/building permits shall be applied for with the City Clerk and approved by the City Council, and shall expire two years after the date of issuance if work is begun within 180 days of issuance or after 180 days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the City Council for good cause.

165.52 RESIDENTIAL DWELLING STANDARDS. All single-family dwelling units shall meet the following minimum standards:

1. The dwelling unit must have a minimum width of 22 feet for at least 65 percent of the length of the dwelling unit, said dimension to be exclusive of attached garages, porches, or other accessory structures.
2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.

165.53 COMMERCIAL INDUSTRIAL STANDARDS. All commercial and industrial buildings shall be placed on a permanent frost-free foundation.

165.54 ZONING COMMISSION. In order to avail itself of the powers conferred by this chapter, the City Council shall provide for a Zoning Commission. The Commission shall, with due diligence, prepare reports and hold public hearings on issues under this chapter, and the City Council shall not hold or take action until it has received the report or reports of the Commission.

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BOARD OF ADJUSTMENT

165.60 BOARD OF ADJUSTMENT; ESTABLISHMENT AND PROCEDURE.

1. Board Created.
 - A. A Board of Adjustment is hereby established which shall consist of five members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by statute. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
 - B. 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.
 - A. 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 that person's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
 - B. 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 bearing the file stamp of the County Recorder shall also be filed in the office of the Zoning Administrator prior to the issuance of a permit.

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 an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.
 - A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Collins affected by any decision of the administrative officer. Such appeal shall be taken within 10 days by filing with the Zoning Administrator, and with the Board a notice of appeal specifying the grounds thereof. The Zoning 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 days nor more than 20 days public notice in a paper of general circulation in the City thereof, and decide the same within 30 days. 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 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 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 these regulations; 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 of the special exception, and give not less than seven days nor more than 20 days public notice in a paper of general circulation in the City thereof, and decide the same within 30 days.
 - 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 days nor more than 20 days public notice in a paper of general circulation in the City thereof, and decide the same within 30 days.

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 have been met by the applicant for a variance.

(1) 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 these regulations and punishable under this chapter. The variance shall become effective upon receiving in the office of the County Recorder and the copy filed with the City Clerk. These recording costs shall be paid for by the applicant.

(2) 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.

E. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, 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 of the *Code of Iowa*.

[The next page is 1085]

ENFORCEMENT AND AMENDMENTS

165.70 ADMINISTRATION. All questions of interpretation and enforcement shall be first presented to the Zoning 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 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 of the *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-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.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2 of the *Code of Iowa*, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the City 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 20 percent or more of the area of the lots included in the proposed change or repeal, or by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the City Council. The protest, if filed, must be filed before or at the public hearing.

Proposed amendments not recommended by the Zoning Commission shall become effective only upon a favorable vote of three-fourths of the members of the City Council. 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 misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or be imprisoned for not more than 30 days. 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. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the offices of the Zoning Administrator and the City Clerk, and may be altered or amended only by the City Council, as recommended by the Zoning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

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

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CHAPTER 170

SITE PLAN REGULATIONS

170.01 Title	170.07 Procedure
170.02 Purpose and Application	170.08 Fees
170.03 Design Standards	170.09 Validity of Approval
170.04 Required Information	170.10 Site Plan Amendment
170.05 Open Space, Landscaping, Parking, and Architectural Requirements	170.11 Applicability to Existing Development
170.06 Zoning Permits	170.12 Enforcement
	170.13 Changes and Amendments

170.01 TITLE. This chapter shall be known, cited and referred to as “Site Plan Regulations of the City of Collins, Iowa.”

170.02 PURPOSE AND APPLICATION. It is the intent and purpose of this chapter to establish a procedure which will enable the City to review certain proposed improvements to property within specified zoning districts of the City to insure compliance with all applicable zoning, subdivision and building regulations. Site plans shall only be required whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of land within any district of the City Zoning Regulations, and for any use, except one- and two-family dwellings.

170.03 DESIGN STANDARDS. The standards of design provided herein are necessary to insure the orderly and harmonious development of property in such manner as will safeguard the public's health, safety and general welfare.

1. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.
2. The proposed improvements shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property, and to this end shall minimize the adverse effects on such adjoining property from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For the purpose of this section, the term “use and enjoyment of adjoining property” shall mean the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term “use and enjoyment of adjoining property” shall mean those uses permitted under the zoning districts in which such adjoining property is located.
3. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent or surrounding public streets.
4. To such end as may be necessary and proper to accomplish the standards in Paragraphs 1, 2, and 3 above, the proposed development shall provide fences, walls, screening, landscaping, erosion control or other improvements.
5. The proposed development shall conform to all applicable provisions of the *Code of Iowa*, as amended, and all applicable provisions of this Code of Ordinances, as amended.

170.04 REQUIRED INFORMATION. All site plans required under Section 170.02 of this chapter, unless waived by the City Council, shall include as a minimum the following information:

1. Date of preparation, north point and scale.
2. Legal description and address of the property to be developed.
3. Name and address of the record property owner, the applicant, and the person or firm preparing the site plan.
4. The existing and proposed zoning.
5. The existing topography with a maximum of two foot contour intervals. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary but not more than 50 feet apart in both directions, shall be indicated on site plan.
6. Existing and proposed utility lines and easements in accordance with City of Collins Standard Specifications and adopted Subdivision Regulations.
7. Total number and type of dwelling units proposed; proposed uses for all buildings; total floor area of each building; estimated number of employees for each proposed use where applicable; and any other information which may be necessary to determine the number of off-street parking spaces and loading spaces required by the Zoning Regulations.
8. Location, shape, and all exterior elevation views of all proposed buildings, for the purpose of understanding the structures, the location of windows, doors, overhangs, projection height, etc., and the grade relationship to floor elevation, and the number of stories of each existing building to be retained and of each proposed building.
9. All required yard setbacks.
10. Location, grade and dimensions of all existing and proposed paved surfaces and all abutting streets.
11. Complete traffic circulation and parking plan, showing the location and dimensions of all existing and proposed parking stalls, loading areas, entrance and exit drives, sidewalks, dividers, planters, and other similar permanent improvements.
12. Location and type of existing or proposed signs and of any existing or proposed lighting on the property which illuminates any part of any required yard.
13. Location of existing trees six inches or larger in diameter, landslide areas, springs and streams and other bodies of water, and any area subject to flooding by a 100-year storm on site and downstream off site.
14. Location, amount and type of any proposed landscaping. Location of landslide areas, plantings, fences, walls, or other screening as required by the zoning regulations and the design standards set forth in Section 170.03 of this chapter.
15. A vicinity map at a scale of 1" = 500' or larger, showing the general location of the property, and the adjoining land uses and zoning.
16. Soil tests and similar information, if deemed necessary by the City Engineer, to determine the feasibility of the proposed development in relation to the design standards set forth in Section 170.03 of this chapter.
17. Where possible ownership or boundary problems exist, as determined by the Zoning Administrator, a property survey by a licensed land surveyor may be required.

170.05 OPEN SPACE, LANDSCAPING, PARKING, AND ARCHITECTURAL REQUIREMENTS. The requirements set forth in this section for open spaces, landscaping, parking, and

architectural standards shall apply to any development or redevelopment except one- and two-family dwellings.

1. **Open Space Required.** On each lot, except for one- and two-family dwellings, there shall be provided open space in accordance with the following schedule:

Zoning District	Percent of Open Space
*AG	20
**RS	20
RM	20
AC	15
BC	--
LI	10
HI	10
* Non-agricultural uses.	
** Uses other than single-family dwellings and duplexes.	
NOTE: Each principal structure of an apartment or office complex on the same site shall be separated from any other principal structure in the complex by an open space of not less than 16 feet.	

2. Said open space shall be unencumbered with any structure or off-street parking, roadways, and drives and shall be landscaped and maintained with grass, trees, and shrubbery. When the entire lot is not developed, the open space requirement shall be based in proportion to the area of the improved portion of the lot.

3. **Landscaping Required.** Any development, except one and two family dwellings, shall provide the following minimum number and size of landscape plantings based on the minimum required open space for the development. The following is the minimum requirement of trees and shrubs, by number and size, and type of ground cover. Street trees planted in public street right-of-way subject to approval by the City shall not be counted toward fulfillment of the minimum site requirements set forth below. Plant species to be used for landscaping shall be acceptable to the City that are not considered a nuisance or undesirable species, such as trees with thorns, cottonwood or cotton-bearing poplars, elm trees prone to Dutch Elm Disease, box elder, and silver maple. Existing trees and shrubs to be retained on site may be counted toward fulfillment of the landscaping requirements.

A. Minimum Requirements at the Time of Planting. Two trees minimum, or one tree of the following size per 1,500 square feet of open space, whichever is greater:

40 percent	1 ½ inches to 2 inches caliper diameter
Balance	1 inch to 1 ½ inches caliper diameter
Evergreen trees shall not be less than six feet in height.	

B. Minimum Requirements at the Time of Planting. Six shrubs, or one shrub per 1,000 square feet of open space, whichever is greater.

C. To reduce erosion, all disturbed open space areas shall have ground cover of grass or native vegetation which is installed as sod, or seeded, fertilized, and mulched.

4. Buffer Required. The following conditions shall require a buffer which shall be a landscaped area, wall, or other structure intended to separate and obstruct the view between two adjacent zoning districts, land uses or properties:

A. Any RM, AC, LI, and HI District which abut any RS District shall require a buffer as described in this section. The buffer shall be provided by the RM, BC, LI and HI uses when adjoining an RS District.

B. All AC, LI, and HI Districts which abut any RS and RM District shall provide a buffer as required by this section.

C. Any storage area, garbage storage, junk storage or loading docks, and loading areas, in any district shall be screened from public street view by a buffer.

5. Buffers. Buffers required under the provisions of this section or elsewhere in the Zoning Regulations shall be accomplished by any one or approved combination of the following methods:

A. Buffer Wall. A buffer wall shall not be less than six feet in height; constructed of a permanent low maintenance material such as concrete block, cinder block, brick, concrete, precast concrete, tile block, etc.; the permanent low-maintenance wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality; weather resistant wood may be used as a substitute material if designed with adequate structural integrity and permanency and approved by the Planning and Zoning Commission and City Council.

B. Landscape Buffer. A landscape buffer shall not be less than 25 feet in width, designed and landscaped with earth berm and predominant plantings of evergreen type trees, shrubs and plants so as to assure year around effectiveness; height of berm and density and height of plantings shall be adequate to serve as a solid and impenetrable screen. A chain link fence may exist for security purposes, but is not considered a part of the landscape screening to satisfy the intent of this requirement.

6. Waiver of Buffer Requirements. Where the line between two districts, requiring a buffer, follows a street, right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived by the City Council, provided such waiver does not permit the exposure of undesirable characteristics of land use to public view.

7. Surfacing Requirements. All off-street parking and loading areas and access roadways shall have a durable and dustless surface paved with asphaltic or Portland cement concrete pavement in accordance with the specifications as herein set forth. Off-street parking of automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats, construction equipment, and any other mobile vehicles equipped for street and highway travel shall be on an asphaltic or Portland cement concrete paved off-street parking area as required herein and not parked or stored within the landscaped open space area of the front yard between the building and

public street right-of-way, except, however, the storage of a recreational vehicle, a camper, and boat within the side or rear yard upon an unpaved area shall be permitted. All off-street parking areas and associated driveways, access roadways and frontage roads, except driveways for single family residences, shall be constructed with permanent, integrally attached 6" high curbing or curbing of alternate height acceptable to the City (prefabricated portable curb stops shall not be considered an acceptable alternate), and shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The curbing requirements may be waived if it is determined that surface drainage can be adequately handled by other means. The minimum thickness of pavement of the parking area shall be as follows:

- A. Portland Cement Concrete shall have a minimum thickness of five inches.
- B. Asphaltic Cement Concrete shall have a minimum thickness of five and one-half inches.
- C. Material utilized in the subgrade shall be well drained and not susceptible to frost boils. The part of the parking utilized for driveways and access roadways, shall be specifically designed to accommodate the type and load bearing capacity of traffic anticipated. Driveways for attached townhouse style residences on private property shall be Portland cement concrete or asphaltic concrete with minimum thickness of five inches and five and one-half inches, respectively, with a sufficiently compacted and well-drained subgrade base and not greater than 18 feet in width.

8. Landscaping, Screening and Open Space Requirements. It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics which are inherent to their use. Therefore, wherever practical and except for single and two family detached and townhouse style residential parking in driveways, parking areas shall be effectively screened from general public view and contain shade trees within parking islands where multiple aisles of parking exist. Not less than five percent of the interior parking area shall be landscaped within parking islands.

9. Off-Street Parking Access to Public Streets and Internal Traffic Circulation. Off-street parking or loading facilities shall be designed so as to permit entrance and exit by forward movement of the vehicle for all uses, except single-family detached or row dwellings which shall be permitted backward movement from a driveway. The backing or backward movement of vehicles from a driveway, off-street parking or loading area onto an arterial street or highway shall be prohibited for all uses. Driveway approach returns shall not extend beyond the side lot line as extended, unless such driveway is of joint usage by the adjoining lots, and driveway approaches at roadway not greater than 24 feet for single family detached and townhouse residential dwellings, and 37 feet for multi-family, non-residential uses and multiple building complexes. The number of ingress/egress access points to public streets from off-street parking areas approved by the City and located to limit vehicular conflicts, provide acceptable location of driveway accesses to public streets, preserve proper traffic safety and, as possible, not impair movement of vehicular traffic on public streets. The permitted number of ingress/egress driveway approaches to public streets for an off-street parking lot shall be dependent upon the projected future average daily traffic (ADT) for the public street and, as possible, public street accesses shall be located in alignment with driveway approaches gaining access to the same public street from property on approaches gaining access to the same public street from property on the opposite side of the street. The design of off-street parking and loading facilities shall provide traffic circulation for the internal forward movement of traffic within the parking lot, so designed, as not to impair vehicular movement on public streets, or backing of vehicles from an off-street parking or loading area to a public street.

10. Handicap Accessible Parking Requirements. Provision of handicapped parking spaces within off-street parking areas shall be in accordance with applicable federal, state and local

regulations, properly identified with signage and provided with accessible ramps and walks in accordance with federal and State regulations, and comply with the following parking space minimum requirements:

Total Parking In Lot	Required Minimum Number of Handicap Accessible Spaces
1 to 25	1
25 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20, plus 1 for each 100 over 1,000
Access space or aisle adjacent to handicap accessible parking space shall be a minimum five feet wide. One in every eight handicap accessible spaces, but not less than one shall be served by an access space or aisle eight feet wide minimum and shall be designated "van accessible."	

11. **Waiver of Requirements.** The City Council reserves the right to waive or modify to a lesser requirement any provision or requirement of off-street parking and loading areas contained in this chapter, provided a report on such change is received from the Planning and Zoning Commission, and City Engineer, and further provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those uses where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public.

12. **Architectural Standards.** As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses except one and two family dwellings, architectural plans for buildings shall be submitted for review and approval by the City Council after recommendation from the Planning and Zoning Commission. Documentation to be submitted shall include building elevations showing the building's design and a description of structural and exterior materials to be used. The following standards shall be used by the City to review architectural plans:

A. **Multiple-Family Dwellings in All Districts:** The architecture of multiple-family buildings shall be designed in a manner compatible with adjoining residential uses in the neighborhood. Architectural design for multiple-family buildings shall include exterior building materials, exterior details and texture, treatment of windows and doors, and a variety in the wall and roof design to lessen the plainness of appearance which can be characteristic of large residential buildings. Multiple-family buildings with single plane walls and boxy in appearance shall not be considered acceptable unless the use of exterior materials such as brick provides the elements necessary to enhance the buildings physical appearance and eliminate its plainness of appearance. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters, and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall be designed or oriented not to expose loading docks, or loading areas to the public.

B. **Non-Residential Uses in the RS and RM Districts:** Any building used for a permitted non-residential use in an RS and RM District shall be designed and constructed with architecture and use of materials compatible with the residential uses within the

neighborhood. Buildings located on a residential street in an R District shall be residential in character, and exterior materials shall be wood, brick, and/or brick veneer. The architectural design shall be approved by the City.

C. All Uses Within the AC District: Architectural design and use of materials for the construction of any building shall be approved by the City. Buildings within the C District shall have as a primary element of the building exterior fascia glass, brick, concrete panels, textured concrete block, architectural steel or stone panels with all sides of any building built consistent in design and use of materials. No wood, Masonite, visible asphaltic exterior wall or roof material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, stucco, or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters, and HVAC mechanical units) from any public street and adjoining properties shall be required. Building shall not be designed or oriented to expose loading docks, non-residential use overhead doors, or loading areas to the public.

D. All Uses Within the BC District: Architectural design and use of materials for construction of any building shall be reviewed as part of any site plan proposal in the BC District and shall be approved by the City. The design shall recognize the use of materials of buildings in the central business district. While it is not the purpose of this section to dictate or specify building materials and structural elements, compatibility of building materials and other design elements with adjoining existing buildings shall be recognized in review of building plans within the central business district. Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters, and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall be designed or oriented not to expose loading docks, non-residential overhead doors, or loading areas to public street view.

E. All Uses Within LI and LH Districts: Architectural design and use of materials for construction of any building in the LI and LH Districts shall be reviewed as part of the site plan proposal and shall be approved by the City. While it is not the purpose of this section to dictate, specify, or restrict the use of building materials and structural elements, the use of appropriate exterior materials to enhance the appearance of a building is encouraged by the City. The exclusive use of sheet metal as an exterior building material shall not be considered acceptable for buildings facing public streets. The exterior material of the building's front elevation shall be comprised of brick, concrete panels, textured concrete block, architectural steel or stone panels, or other similar material. Loading areas, loading docks, storage areas, and garbage dumpsters shall be located, screened, or oriented to minimize their exposure to view from public streets.

170.06 ZONING PERMITS. No zoning compliance permit or building permit shall be issued for the construction of any structure that is subject to the provisions of this chapter, until a site plan has been submitted for review covering the land upon which said structure is to be erected, and further, approved by City Council for such development in accordance with this chapter.

170.07 PROCEDURE.

1. Pre-Application Conference. Whenever any person proposes to place any structure for which a building permit is required under any other section of this Code, on any tract or parcel of land within any district of the City Zoning Regulations, and any use, except one and two family dwellings, the person shall submit to the City Clerk a request for a Pre-Application Conference. The Conference shall include the applicant or his representative and the Zoning Administrator. The purpose of the Conference shall be to acquaint the City staff with the proposed construction and to acquaint the applicant or his representative with the procedures and with any special problems that might relate to such construction. The applicant shall furnish a legal description of the subject real estate at the time of requesting a Pre-Application Conference, and the Conference shall be held within seven days of such request.

2. Continuous Site Plan Review. After completion of the Pre-Application Conference as required by subsection 1 of this section, and in the event the applicant wishes to proceed with the construction as discussed at said Conference, he shall cause to be prepared a site plan of such proposed construction, and shall submit five copies of the same to the Zoning Administrator and one copy to the City Engineer. The site plan shall be accompanied by a cover letter requesting review and approval of said plan. The site plan shall contain all the information required by Sections 170.05 and 170.06 of this chapter unless otherwise waived by the Zoning Administrator. The Zoning Administrator shall retain one copy for his review and comment. The remaining copies shall be retained by the City Clerk for review and distribution. The Zoning Administrator and City Engineer shall review the plan for conformance of the design to the standards and required data set forth in Sections 170.04 and 170.05 of this chapter.

3. Action.

A. The Zoning Administrator shall promptly notify the applicant in writing of any revisions or additional information needed as required by Sections 170.04 and 170.05 of this chapter. If necessary, the applicant shall make revisions and resubmit the revised plans to the Zoning Administrator for compliance. If the site plan complies with requirements set forth in this chapter, the applicant shall submit 10 copies of the plan to the Planning and Zoning Commission for approval, disapproval, or approval subject to conditions.

B. The Commission shall in its regularly scheduled meeting, act upon the site plan and accompanying material. The City Engineer, City staff, and other departments shall submit to the Commission their recommendation. Applicant or a representative shall be present at the meeting. Action of the Commission shall be approval, approval subject to conditions, or denial.

C. Approval by Commission. In the case of approval by the Commission, the approval shall be documented on seven copies of the site plan. One copy shall be returned to the applicant, one copy retained by the Commission and five copies shall be forwarded to the City Council.

D. Conditional Approval by Commission. In the case of approval subject to conditions by the Commission, the approval shall be documented on seven copies of the site plan and the conditions determined attached thereto. One copy shall be returned to the builder, one copy shall be retained by the Commission, and five copies shall be forwarded to the City Council. The applicant shall provide revised copies of the site plan in accordance with the Commission action and submit 10 copies to the City Clerk prior to Council action. The City Clerk shall forward one copy to the City Engineer, five copies to the City Council and one copy for the Commission files.

E. Disapproval by Commission. In the case of disapproval by the Commission, the disapproval shall be documented on three copies of the site plan. One copy shall be

returned to the applicant, one copy shall be retained by the Commission, and one copy shall be retained by the City Clerk.

F. Council Action. At the next regularly scheduled Council meeting following Commission action, the Council shall act on the site plan and accompanying material. Applicant or a representative shall be present at the meeting. Action of the Council shall be approval or denial.

G. Approval by Council. In the case of approval by the Council, the approval shall be documented on three copies of the site plan. One copy shall be returned to the applicant. One copy shall be forwarded to the Commission, one copy shall be retained by the City Clerk. Applicant may then proceed with approval of building permit and accompanying material.

H. Denial by Council. In the case of denial by the Council, the denial shall be documented on three copies of the site plan. One copy shall be returned to the applicant, one to the Commission, and one copy shall be retained by the City Clerk.

I. Resubmittal of Site Plan Denied by Council. A site plan that has been approved by the Commission and denied by the Council may be revised by the applicant in accordance with the Council action and 10 copies resubmitted to the Commission for approval as before.

J. Resubmittal of Site Plan Denied by Council and Commission. A preliminary plat that has been denied by both the Commission and the Council may be resubmitted to the City by the applicant for Commission and Council approval with respect to the original terms of these procedures, which includes 10 copies of the preliminary plat and filing fees. Resubmittal under these terms shall be considered a new site plan subject to fees and procedures outlined in 170.07 and 170.08.

170.08 FEES. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for plat approval and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the City Clerk, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Applicant shall be responsible for just and reasonable costs incurred by the City for review of preliminary and final plats and construction plans deemed necessary by the City to insure proper conformance with this Code of Ordinances and site plan regulations.

170.09 VALIDITY OF APPROVAL.

1. A site plan shall become effective upon certification of approval by the City Council.
2. The City Council approval of any site plan required by this chapter shall remain valid for one year allowing one year extension with approval of City Council upon recommendation of the Commission after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this chapter “actual construction” shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property, or stockpiling of materials on the site shall not constitute actual construction.

170.10 SITE PLAN AMENDMENT. Any site plan may be amended in accordance with the standards and procedures established herein, including payment of fees, provided that the City Clerk may waive such procedures for those minor changes hereinafter listed. Such minor changes shall not be made unless the

prior written approval for such changes is obtained from the City Clerk. No fees shall be required for such minor changes.

1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved buildings. Relocation of building entrances or exits, shortening of building canopies.
2. Changing to a more restrictive commercial or industrial use, provided the number of off-street parking spaces meets the requirement of the City Zoning Regulations. This does not apply to residential uses.
3. Changing angle of parking or aisle provided there is no reduction in the amount of off-street parking as originally approved.
4. Substituting plant species provided a landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effect.
5. Changing type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at property boundary.
6. Increasing peripheral yards.

170.11 APPLICABILITY TO EXISTING DEVELOPMENT. The requirements of this chapter shall not apply to the placement of any structure for which building permits have been issued as of the date of the adoption of the ordinance codified in this chapter, provided that if such building permit shall expire, then a new building permit shall not be issued until the requirements of this chapter have been met. Provided further, that if an existing structure is to be reconstructed, enlarged, expanded, or otherwise increased:

1. In the case of building uses, in an amount 50 percent or greater of its existing ground coverage and/or total floor space; or
2. In the case of non-building uses or non-building portion of uses, in the amount 50 percent or greater of the existing developed non-building site area, then the provisions of this chapter shall apply.

170.12 ENFORCEMENT. No zoning ordinance certification, occupancy permit or building permit shall be issued by the City or have any validity until the site plan has been approved in the manner prescribed herein.

170.13 CHANGES AND AMENDMENTS. Any provision of this chapter may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least 15 days prior to the hearing.

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