



**Charles City,
Iowa**

Floyd County

Unified Development Ordinance



2022

Section 1:

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Section 1.01 Title

This Ordinance shall be known and may be cited and referred to as the Unified Development Ordinance of the City of Charles City, Iowa.

Section 1.02 Purpose

This Ordinance as herein established has been made for the purpose of promoting the health, safety, sustainability and general welfare of the community, and for the protection and preservation of places and areas of historical and cultural importance and significance.

This Ordinance has been designed to lessen congestion in the streets; to secure safety from fire and other hazards; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, and parks; and to encourage sustainable design and development.

This Ordinance has been made with reasonable consideration of the character of the district and its suitability for the particular uses, and with a view of conserving the value of buildings, encouraging the most appropriate use of land throughout the community.

Section 1.03 Comprehensive Plan Relationship

These zoning ordinances are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

Section 1.04 Relationship to the City Code

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

Section 1: General Provisions

Article 1.2: General Definitions

Words contained in this Article are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this Article shall be defined by reference to: (1) The current building code adopted by the City of Charles City or, if not defined therein, in (2) the Webster's Dictionary, unabridged, which documents are hereby incorporated by reference as if herein set forth in their entirety. Words and terms not defined in this Article but defined elsewhere in the Ordinance shall be given the meanings set forth therein.

Section 2.01 Rules

For the purpose of this ordinance, the following rules shall apply:

1. Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory. The word "may" is permissive.
4. The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
5. The word "commission" shall refer to the Planning and Zoning Commission of Charles City, Iowa.
6. Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
7. In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

Section 2.02 Abbreviations and Acronyms

For purposes of these Regulations this section contains a listing of abbreviations and acronyms used throughout this document.

AASHTO = American Association of State Highway and Transportation Officials

ADA = Americans with Disabilities Act

BOA = Board of Adjustment

CFR = Code of Federal Regulations

DU = Dwelling Unit

IHHS= Iowa Department of Health and Human Services

IDNR= Iowa Department of Natural Resources

IDOT= Iowa Department of Transportation

IEMA= Iowa Emergency Management Agency

FAA = Federal Aviation Administration

FCC = Federal Communication Commission

FEMA = Federal Emergency Management Agency

FT = Foot or Feet

HUD = US Department of Housing and Urban Development

KV = Kilovolt

KW = Kilowatt

NPDES = National Pollutant Discharge Elimination System

NRCS = Natural Resources Conservation Service

R.O.W. = Right-of-Way

SF = Square Feet

SY = Square Yard

USC = United States Code

USACE = United States Army Corps of Engineers

USDA = United States Department of Agriculture

YD = Yard

Section 2.03 General Definitions

A

Abandonment/Discontinued: to cease or discontinue a use or activity not to be construed as short-term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

Abut, Abutting: to border on, being contiguous with or have property or district lines in common, including property separated by a right-of-way or railroad.

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

Accessory Dwelling Unit: a dwelling unit, but not a mobile home, allowed as a conditional use as defined by this Ordinance.

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

Accessory Building or Structure: a detached subordinate building or structure, located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use: a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building.

Acreage: any tract or parcel of land which does not qualify as a farm or development.

Adjacent: near or close; for example, an Industrial District across the street or highway from a Residential District shall be considered as adjacent.

Adult Day Services, Licensed: a facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

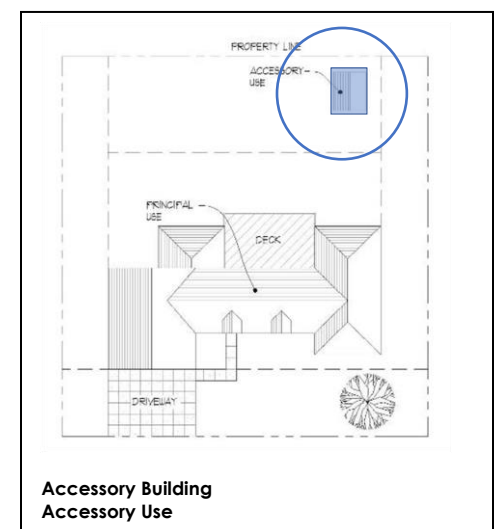
Advertising Structure: any structure used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

Aesthetic Zoning: zoning to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.

Agent: any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.



Example of Accessory Dwelling Units
Source: Estilo-tendances.com



Accessory Building
Accessory Use



Example of an Accessory Use



Example of an Agricultural Cooperative Production/ Distribution Facility



Example of an Agricultural Sales and Service

Agricultural Cooperative Production/Distribution Facility: any facility owned and operated by a cooperative or other corporation for the purpose of manufacturing, distributing, and storage of fertilizers, herbicides and grain. This includes the offices, scales and parking areas necessary for trucks and other vehicles.

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

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

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

Agricultural Operations: see Farming.

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

Aircraft: any vehicle designed to be used for navigation of or flight in the air.

Airport: Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

All-Terrain Vehicle: as defined by Iowa Code Section 321I.1(1)(a), means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.



Example of Airport

Alley: a public right-of-way with a width of 24 feet or less which affords a secondary means of access to abutting properties, not to be considered a street.

Alteration: any change, addition or modification in construction or occupancy of an existing structure

Alteration, Structural: see Structural Alteration.

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

Amphitheater: an outdoor area or structure characterized by tiers of seating, specifically designed and used as a place of assembly during spectacles and contests.

Amusement Arcade: a building or a part of a building where the primary uses is pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

Amusement Park: a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Animal Feeding Operation: a lot, yard, corral, building, or other area in which animals are confined and fed and maintained for 45 days or more in any 12-month period, and all structures used for the storage of manure from animals in the operation. An animal feeding operation does not include a livestock market. Open feedlots and confinement feeding operations are considered to be separate animal feeding operations.

Animal Grooming Service: any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

Animal Hospital: a building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

Animals, Domestic: see Household Pet.

Antenna: any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also see Satellite Dish Antenna and Tower.

Antique Shop: a place offering primarily antiques for sale. An antique for the purpose of this Code shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least 30 years old.



Example of an Apartment Complex

Apartment: a room or a suite of rooms within an apartment house or multiple-family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. Also see Dwelling Unit.

Apartment Complex: a building or buildings containing apartments used as a place of residence for more than two households.

Apartment House: see Dwelling, Multiple.

Appearance: the outward aspect visible to the public.

Apiary: a place where bee colonies are kept.

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

Application, Completed: an application for a zoning request that contains the following: (1) submittal and completion of all applicable application forms; (2) submittal of all required supporting application information; and, (3) submittal of all required fees.

Appropriate: shall mean fitting the context of the site and the whole community.

Appurtenances: the visible, functional objects accessory to and part of buildings.

Aquaculture: land and/or buildings devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

Aquifer: a geologic formation, group of formations, or part of a formation capable of yielding, storing, or transmitting a usable amount of groundwater to wells or springs for domestic or animal use.

Arborist: an individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees.

Architectural Appearance: the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Architectural Character: see Architectural Concept.



Example of Aquaculture
Source: www.bing.com

Architectural Composition: the scale, height, mass, proportion, color, form, style, detail, treatment, construction material, and roof design of a project or building.

Architectural Concept: the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

ARCHITECTURAL CONCEPT



LINES



MASS



TEXTURE



ARCHITECTURAL STYLE



Architectural Feature: a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

1. **Lines:** visual elements of the building, either within the façade or on the building edge, which are in linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
2. **Mass:** volume or bulk of a building or structure.
3. **Texture:** the quality of a surface, ranging from mirror finish, smooth, to course and unfinished.

Architectural Projections: any projection which is not intended for occupancy, and which extends beyond the face of an exterior wall or a building but shall not include signs.

Architectural Style: the characteristics form and detail, as of buildings of a particular historic period.

Artisan Production Shop: a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

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

Assessor: the Floyd County Assessor or appointed designee.

Assisted Living Facility: A building which provides housing with services which may include, but not limited to, health-related care, personal care, and assistance with instrumental activities of daily living to six or more tenants in a physical structure which provides a home-like environment, and which is either certified or voluntarily accredited through the Iowa Department of Aging as provided in Chapter 231C, Code of Iowa.

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

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

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

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

Automatic Teller Machine (ATM): an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

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

Automobile Sales-Retail: a retail business housed either in a structure or on a tract of land that sells or leases new or used automobiles, trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. Retail automobile sales shall include any operation with three or more vehicles, as stated above, for sale at any time and/or a total of 10 sold during the course of a calendar year.

Automobile Sales – Wholesale: a wholesale business housed either in a structure or on a tract of land that sells new or used automobiles, trucks, vans, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles to automobile sales retail outlets.

Automobile Wrecking Yard: any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

Automotive and Machinery Repair Shop: a building used for the repair of motor vehicles or machinery, when such repair shall be wholly within a completely enclosed building. This definition also includes body repair and painting.

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



Example of a stand-alone ATM

B

Ballroom: a place or hall used for dancing, other than those listed under the definition of "Adult Cabaret". Ballrooms shall also be used for reunions, weddings and receptions.

Bar: any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also, see Nightclub and Tavern.

Base Flood: The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").

Base Flood Elevation (BFE): The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

Base Zoning District: a district established by this Ordinance that prescribes basic regulations governing land use and site development standards.

Basement: a portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground. (See Attachment)

Bed and Breakfast Home: A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.

Bed and Breakfast Inn: A building having nine or fewer guest rooms, equipped, used, advertised, or presented to the public as an inn, hotel, motel, motor inn, or place where sleeping accommodations are furnished and food service for the general public is allowed.

Bedroom: a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door or doorway.

Beer Garden: an establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages or food is served.

Beginning of Construction: site grading is considered the beginning of construction.

Berm: a raised form of earth to provide screening or to improve the aesthetic character.

Best Interests of Community: interests of the community at large and not the interest of the immediate neighborhood.

Big Box Retail Store: a singular retail or wholesale user who occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market regional retail/wholesale sale can include, but are not limited to, membership warehouse clubs that emphasizes bulk sales, discount stores, and department.

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

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

Biomass: plant material, used for the production of such things as fuel alcohol and nonchemical fertilizers. Biomass sources may be plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

Block: a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.

Block Frontage: section of a block fronting on a street between two intersecting streets or another block boundary.

Board: The Board of Adjustment of the City of Charles City, Iowa.

Boarding or Lodging House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging and/or meals, are provided for three or more persons, but not exceeding 20 persons. Individual cooking facilities are not provided.

Boat Slip (Station): A space designed for the mooring of a single watercraft. Such spaces may extend from a dock or shoreline but shall not be allowed to project from a community pier.

Boat Dock: A structure built over a floating upon water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

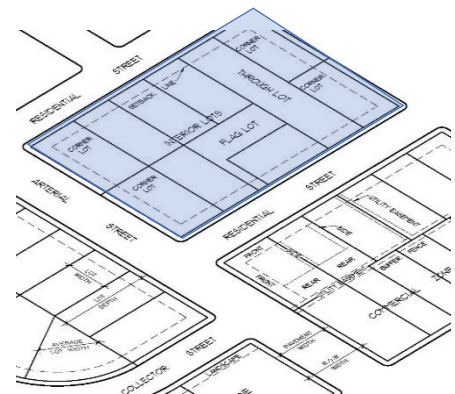
Boat Pier (Community) A boat-docking facility associated with a subdivision or similar residential area or with a condominium, apartments, or other multi-family dwelling units. Community pier does not include a private pier or a mooring.

Boat Pier (Private): see Boat Dock

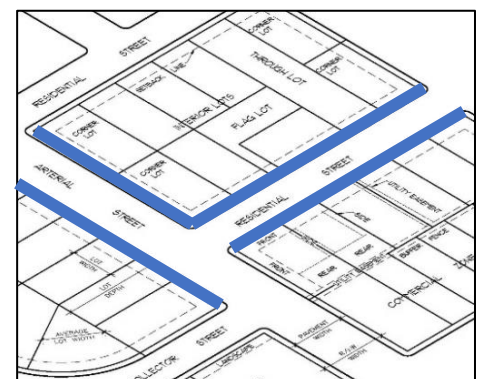
Breezeway: a roofed open passage connecting two otherwise detached buildings. Breezeway connections shall not be construed to alter the detached status of the buildings so connected.



Example of Big Box Retail Store
Source: Google Earth



Example of a Block



Examples of a Block Frontage

Brew-On Premises Store: A facility providing the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

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

Brewery: A facility for brewing ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

Brewery, Craft: A brew pub or a microbrewery.

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

Buffer: A strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see Screening.

Buffer Area: An open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

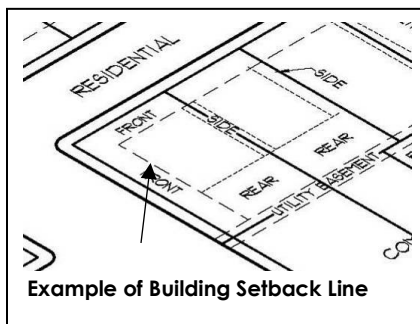
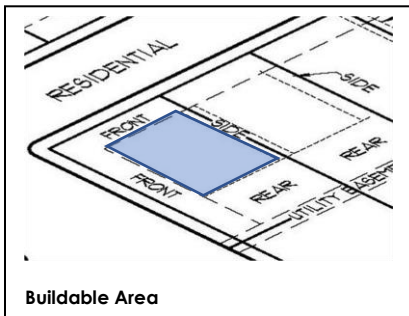
Bufferyard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Buildable Area: Part of a zoning lot not included within the required yards or subject to other restrictions herein required.

Building: Any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered buildings.

Building Area: The sum in square feet of the ground areas occupied by all buildings and structures on a lot.

Building Code: The various codes of the City of Charles City that regulate construction and require building, electrical, mechanical, plumbing and other permits to as well as other codes adopted by the City that pertain to building construction.



Building, Completely Enclosed: A building separated on all sides from the adjacent open space or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

Building Footprint: the area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards, measured on a horizontal plane at finished grade. For residential structures, it includes residences, attached garages, covered carports, and accessory structures, but not trellises, patios, and areas of porches, decks and balconies less than 30 inches from finished grade. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

Building Height: The vertical distance measured from the established curb level to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of rafters between the eaves and the ridge of a gable, hip or gambrel roof.

Building Line: The outer boundary of a building established by the location of its exterior walls.

Building Official: The designee of the City Council, responsible for the enforcement of the building and land use regulations of the City of Charles City.

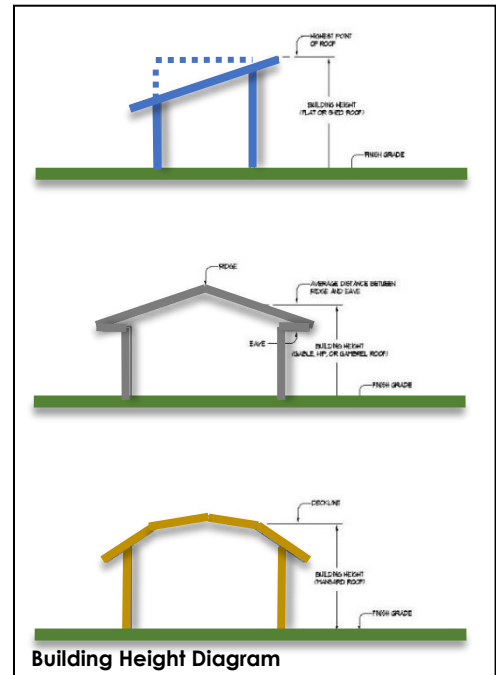
Building Setback Line: The required zoning distance between a building and the lot line.

Building, Temporary: A building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

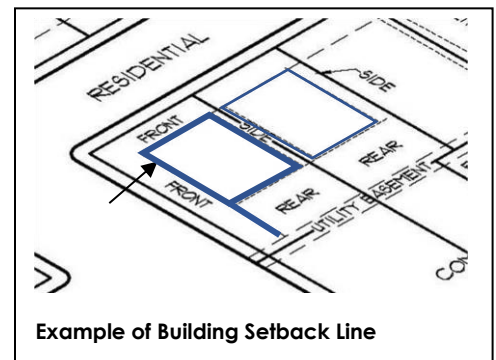
Bulk Regulations: Regulations controlling the size and relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height (2) maximum lot coverage and (3) minimum size of yard and setbacks.

Bulk Stations: Distributing stations commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids, or liquefied petroleum products where the aggregate capacity of all storage tanks is more than 6,000 gallons. Bulk station does not include retail sales.

Business: Activities that include the exchange or manufacture of goods or services on a site.



Building Height Diagram



Example of Building Setback Line

Business Center: A building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.

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

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

C



Cabin, hunting and fishing

Cabin A small one-story house built and designed for temporary use.

Cabin, Hunting and Fishing: Buildings used only during hunting and fishing season as a base for hunting and fishing, and outdoor recreation.

Camper: Any coach, cabin, house trailer, house car or other vehicle or structure intended for or capable of temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. Such facility has characteristics similar to a mobile home in that it can be conveyed on the streets. However, in no way is it intended to become a residence.

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

Campground, Commercial And Recreational Vehicle Park: Any premises where two or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two or more camping units for camping purposes, which include any buildings, structures, vehicles, or enclosure used or intended wholly or in part for the accommodation of transient campers.

Campground, Leased: (See "Leased Campground")

Camping Trailer: See Camper

Carwash, Full Service: A building or section thereof containing facilities for washing motor vehicles, using production line methods or mechanical devices and does not include customer self-service.

Carwash, Industrial: A mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

Carwash, Self Service: A building or section thereof containing facilities for washing motor vehicles by providing spaces, water and hand-held equipment for washing of motor vehicles by the customer.

Carport: A roofed structure with not more than two enclosed sides used or intended to be used for vehicle shelter and storage.

Cellar: The portion of a building located partly or wholly underground, and half or more than half of its clear floor-to-ceiling height is below the average grade of the adjoining ground.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, upon finding of conformance with the zoning regulations and other applicable ordinances of the City and authorizing legal use of the premises for which it is issued.

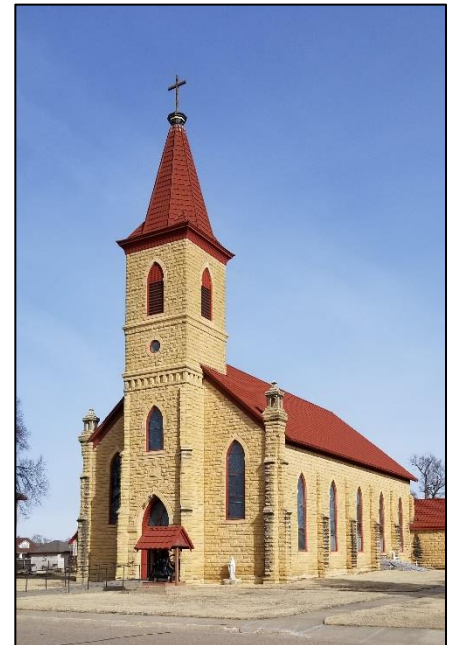
Channel: The geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

Charitable: A public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

Child Care: the care or supervision of a child by a person other than the child's parent/guardian or custodian for periods of less than 24 hours per day per child on a regular basis. Child Care does not include a Licensed Child Care Center.

Child Care Center, Licensed: a facility providing childcare or preschool services for children that requires State of Iowa licensure.

Church: A location, whether in a building or not, used for religious worship. If in a building, a church may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, assembly rooms, kitchen, recreational facilities and/or library.



Example of a Church

Church, Storefront: A religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation, including but not limited to, barns, stores, warehouses, old public buildings, and single-family dwellings.

City: The City of Charles City, Iowa.

City Administrator: the City Administrator of the City of Charles City or any other City staff designated by the Mayor and City Council to carry out the implementation and enforcement of this Code, including but not limited to, the Code Enforcement Department, City Attorney's Office, and Engineering Department.

City Attorney: The City Attorney of the City of Charles City or his/her authorized deputy, agent or representative.

City Council: The City Council of Charles City, Iowa.

City Engineer: The City Engineer as hired or appointed by the Mayor, City Council and City Council or his/her authorized deputy, agent or representative.

City Limits: The established corporate boundary of the City of Charles City.

Clear View Zone: See Sight Triangle.

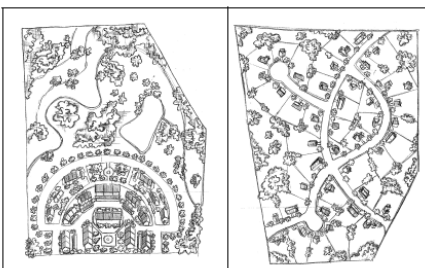
Clinic, Medical or Dental: A building or buildings in which physicians, dentists or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their professions.

Club or Lodge, Private: A non-profit association of persons who are bona-fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a Board of Directors, Executive Committee, or similar body chosen by the members of their annual meetings, and such affairs may include the serving of food and meals on such premises, provided dining room space and kitchen facilities are available.

Clustered Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

Cocktail Lounge: Any place of business, other than a "night club", located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one person performance.

Code: The Municipal Code of the City of Charles City, Iowa.



Conservation subdivisions (left) feature smaller lots with a high percentage of open space. Conventional subdivisions (right) feature large lots with little common open space. A conventional subdivision is subject to all of the base zoning district standards, such as minimum lot size, front setbacks, landscaping, and adequacy of public facilities.

Coffee Kiosk: A retail food business in a freestanding building that sells coffee, or other nonalcoholic beverages, and pre-made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

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

Commercial Feedlot: Feeding, raising or breeding of livestock, poultry or other animals in confined feedlots, dry lots, pens, cages, ponds, or buildings when not in conjunction with a farming operation.

Commission: The Planning and Zoning Commission of Charles City, Iowa.

Common Area or Property: A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.

Common Development: A development proposed and planned as one unified project not separated by a public street or alley.

Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.

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

Community Center: A place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

Compatibility: Harmony in the appearance of two or more external design features in the same vicinity.

Compatible Land Uses: a land use which is congruous with, tolerant of, and has limited adverse effects on existing neighboring uses.



Example of Composted Manure



Example of an Outdoor Manure
Composting Process Manure

Compost: Decomposed organic material resulting from the composting process. Used to enrich or improve the consistency of soil.

Composting: Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

Comprehensive Plan: The Comprehensive Plan for City of Charles City, Iowa which sets forth the City's long-range plans for land use and transportation management and development policies to guide the City's growth and on which the City's zoning regulations shall be based.

Conditional Use: A use where allowed by the district regulations, that may not be appropriate throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics will not be detrimental to the public health, safety, and general welfare.

Conditional Use Permit: A permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Section 1.4.3 and any additional conditions placed upon, or required by said permit.

Condominium: An estate in real property as regulated by Chapter 499B of the Code of Iowa consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

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

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

Correctional Placement Residence: A residential facility occupied by three or more persons who have been convicted of public offenses and who have been released to such facility during any period of (a) probation, or (b) work release while serving a sentence in a correctional institution, or (c) assignment to the judicial district department of correctional services after receiving a deferred sentence.

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

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

Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

Conservation Easement: an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses or preserving the ability said land to be used for specific purposes such as on site wastewater treatment systems.

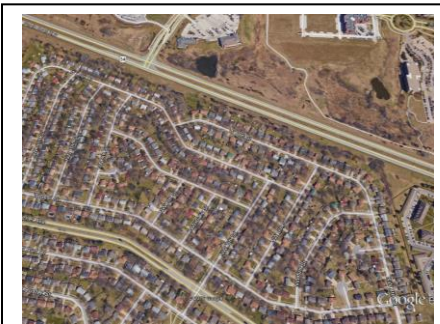
Convenience Store: Any retail establishment offering for sale food products, household items and other goods commonly found in grocery stores, as well as retail gas sales, and having a gross floor area of more than 1,200 square feet but less than 5,000 square feet.

Conventional Subdivision: A subdivision which literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

Creative Subdivision: A subdivision that, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Cluster Subdivisions and New Urban Residential Districts.



Convenience Store



Conventional Subdivision
Source: Google Earth



Creative/Conservation Subdivision
Source: Google Earth

Correctional Placement Residence: A residential facility occupied by three or more persons who have been convicted of public offenses and who have been released to such facility during any period of (a) probation, or (b) work release while serving a sentence in a correctional institution, or (c) assignment to the judicial district department of correctional services after receiving a deferred sentence.

Corporate Limits: All land, structures and open space that has been annexed into the City's jurisdiction.

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

Court, Inner: A court enclosed on all sides by the exterior walls of a building or buildings.

Court, Outer: A court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.

Crematorium: A location containing properly installed, certified apparatus intended for use in the act of cremation.

Crop Production: The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

Cul-De-Sac: A short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turnaround.

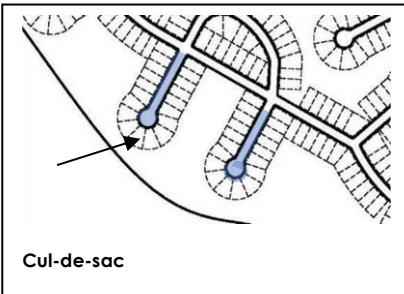
Cultural Services: A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

Curve Lot: see Lot, Curve.

Curb Level: The level of the established curb in front of a building or structure, measured at the center of such front. Where no curb elevation has been established, the curb level shall be deemed to be the established level of the center line of a street surface in front of a building or structure, measured at the center line of such front.



Example of Crop Production



Cul-de-sac

D

Date of Substantial Completion: The date certified by the local zoning administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

Day Nursery or Nursery Schools: Any private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight, for six or more unrelated children of preschool age, for compensation.

Deciduous Screen: Landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.

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

Dental or Medical Lab: a facility providing diagnostic or pathological testing and analysis for the healthcare industry.

Density: The number of dwelling units per gross acre of land.

Department Store: a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.

Detention Basin: A facility for the temporary storage of stormwater runoff.

Detention Facility: A publicly or privately operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

Developer: Any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

Development Concept Plan: see Site Plan.

Development Review: The review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

Disability: having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently, a record of having such an impairment, or being regarded as having such impairment.

Discount Store: a single or group of stores, offering merchandise for sale at less than usual retail prices. Merchandise may be discounted due to either quantity price breaks or merchandise has been discontinued and discounted to another retailer.



Deciduous Screen



Detention Basin



Example of a Dog Park



Example of a Drainageway or Surface Drain



Example of Live-work Units



Example of a Duplex



Example of Dwelling, Courtyard Building

District or Zone: A section or sections of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are established.

District, Overlay: An overlay district which acts in conjunction with the underlying zoning district.

Dog Day Care Facility: A facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

Dog Kennel: A place where four or more dogs, over four months of age, are boarded, bred and/or offered for sale.

Dog Park: A specifically designated and fenced off for the exercise of canines and other domestic animals.

Domestic Animals: see Household Pet.

Downzoning: A change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multiple family residential district to single family residential district.

Drainageway: Any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that when there is doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

Drive-In Facility: An establishment where customers can be served without leaving the confinement of their vehicle.

Drive, Private: a platted or unplatted, private passageway providing access to a street.

Driveway: a vehicular access to an off-street parking space or loading facility.

Duplex: see Dwelling, Two Family.

Dwelling: A residential building, or portion thereof, but not including hotels, motels, rooming houses, tourist houses, trailers or mobile homes except as hereinafter provided.

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

Dwelling, Cottage Court: A residential form for either renter-occupied or owner-occupied which contains multiple units, likely grouped in pairs around an open space or courtyard.

Dwelling, Courtyard Building (Multi-family): A residential structure where the units have internal excess and are built around a outer or inner courtyard.

Dwelling, Live-work Unit: A small- to medium-sized attached or detached structure consisting of one dwelling unit above or behind a ground floor space accommodating a non-residential use.

Dwelling, Multiple-Family (Apartment Buildings): A building or portion thereof containing three or more dwelling units.

Dwelling, Single-family Attached (Group, Row and Townhouses): A residential building joined horizontally to another residential building at one or more sides by a party wall or walls.

Dwelling, Single-Family: A building having accommodations for or occupied exclusively by one family which meet all the following standards:

- A. The home shall have no less than 700 square feet of floor area, above grade, for single story construction.
- B. The home shall have no less than a 20-foot exterior width.
- C. The home shall have a roof material that is or simulates asphalt or wood shingles, tile, or is a standing seam residential grade metal material, or rock, or is a green roof; the home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed,
- D. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
- E. The home shall have a permanent foundation, defined as a continuous perimeter base on which the building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

Dwelling, Two Family (Duplex): A residential building containing two dwelling units, either attached or detached.

Dwelling, Two Family Stacked: A residential building with two units stacked one on the other. These can be an older single-family dwelling unit converted into two separate units.

Dwelling, Triple Stacked: A residential structure containing three to six units stacked through three stories.

Dwelling Unit: A group of rooms, constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one family and an aggregate of not more than two roomers or boarders, and which include complete kitchen facilities permanently installed.



Example of Single-Family Attached



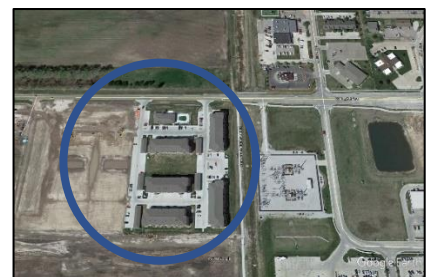
Example of Dwelling, Single-family Attached



Dwelling, Multi-family



Dwelling, Multi-family, Triple stacked



Example of a Dwelling, Multiple Family Complex

Dwelling Unit, Special Types: Any dwelling type consisting of single-family detached; single-family attached, multi-family, mobile home that is not meet the typical construction style of traditional stick framed structures.

1. **Cargo Container Dwelling:** a dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping.
2. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used meeting the definition of dwelling unit above.
3. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
4. **Shouse:** A combination of a dwelling unit and machine shed under a common or connect roofing system.
5. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 500 square feet or less in area. Tiny houses can be either portable, on wheels similar to a recreational vehicle, or on a permanent foundation.
6. **Tree House:** A dwelling unit where the primary structure of the unit is based on one or more tree clusters.



Cargo Container Apartment



Cargo Container Home



Cargo Container Home



Grain Bin Home



Grain Bin Home



Shouse



Shouse



Grain Elevator Apartment



Tiny House



Tiny House



Tree House



Tree House



Quonset home



Quonset home



Quonset home

E

Earthen Home: A home built into a berm or hillside covered by earth on three sides and on the roof.

Easement: A grant, made by a property owner, to the use of his or her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

Educational Institution: shall mean a public, or private institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, or collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must meet all criteria and standards as established by the Iowa State Board of Education or other respective authority having jurisdiction over the institution.

Effective Date: The date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.

Efficiency Unit: A dwelling unit consisting of one principal room together with bathroom, kitchen, hallway, closets and/or dining alcove directly off the principal room, provided such total unit is less than 600 square feet in area.

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

Electric Distribution Substation: An electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.

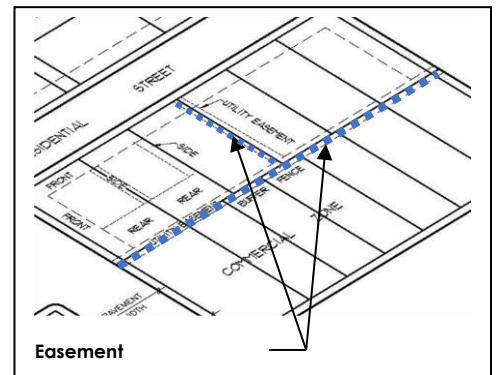
Electric Transmission Substation: An electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.

Eleemosynary Institution: An institution supported by charity and designed to assist persons, for example, those recovering from mental or emotional illness.

Emergency Shelter Mission: A facility which provides temporary housing for one or more individuals who are indigent, needy, homeless or transient.



Earthen Home/Earth sheltered home



Emergency Residential Services: A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

Encroachment: an advancement or intrusion beyond the lines or limits as designated and established by the City Code.

Enlargement: The expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

Equipment Rental and Sales: The sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

Equipment Repair Services: The Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

Erected: constructed upon or moved onto a site.

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

Exotic Birds or Animals: Birds or animals not commonly kept domestically or that are not native to Iowa and/or the United States. Exotic birds or animals includes, but are not limited to, bears, lions, tigers, cougars, wolves, half-breed wolves, and snakes. Birds in the ratite family, llamas and buffalo or bison shall not be considered as exotic birds or animals.

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

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

Exterior Building Component: an essential and visible part of the exterior of a building.

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

Extraterritorial Jurisdiction (ETJ): the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise subdivision review and is exercising such powers.

Exurban: the area that lies beyond the corporate limits and its suburbs.

F

Façade: The exterior wall of a building exposed to public view from the building's exterior.

Factory: A structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

Family: One or more persons each related to the other by blood, marriage, or adoption, or a group of not more than four persons not all so related, together with his or their domestic servants or gratuitous guests, maintaining a common household in a dwelling unit.

Family Home: A community-based residential home which is located as a residential care facility under Chapter 135C of the Code of Iowa, or as a child foster care facility under Chapter 237 of the Code of Iowa 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 of the Code of Iowa.

Farm: A tract of land which is used for the growing of vegetables, fruits, and grains, or for the raising of domestic poultry and animals. The term "farming" includes the operating of such area for one or more of the above uses and for such necessary accessory uses as treating or storing the produce, provided, however, that any such accessory uses shall be secondary to the normal farming activities and that such accessory uses do not include the commercial feeding of animals or poultry in confined lots or buildings.

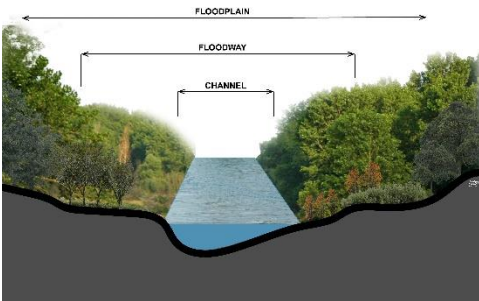
Farmer's Market: An occasional or periodic market held in an open area or in a structure where groups of sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include secondhand goods) dispensed from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



Example of a Farmer's Market
Copyright American Planning Association



Aerial of a Feedlot, Commercial



Farming: the raising of field crops and livestock, horticulture, forestry, animal husbandry and similar agricultural activities.

Federal: the federal government of the United States of America.

Feedlot: Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs or sheep. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

Fence, Invisible: An electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

Fence, Open: A fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.

Fence, Solid: Any fence, which does not qualify as an open fence.

Financial Services: The provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.

Floodplain: Any land area susceptible to being inundated by water as a result of a flood.

Floodway: The channel of a river, stream, or watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water.

Floodway Fringe: Those portions of the floodplain, other than the floodway, which can be filled, levee, or otherwise obstructed without causing substantially higher flood levels or flood velocities within the floodway.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floor Area: The area covered by a principal building measured from the exterior faces of exterior walls, including utility rooms but excluding open porches or open car ports, garages, and terraces.

Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

Foot Candle: A unit of illumination. Technically, the illumination of all points one-foot distance from a uniform point source of one candle power

Foster Child Care: Care and education of not more than five children unrelated to the residents by blood or adoption.

Foundation: A base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

Freestanding Canopy: A permanent, freestanding, unenclosed roof structure designed to provide patrons shelter from the elements.

Freight Terminal: A building or area in which freight brought by motor truck, barge, air, or rail is received, assembled or stored and dispatched for routing and may include storage.

Frequency: The number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

Front: The part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.

Frontage, Block: Section of a block fronting on a street between two intersecting streets or another block boundary.

Frontage, Lot: see Lot Frontage.

Frontage, Street: see Lot Frontage.

Frontage Road: a street parallel and adjacent to a major arterial or collector, primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

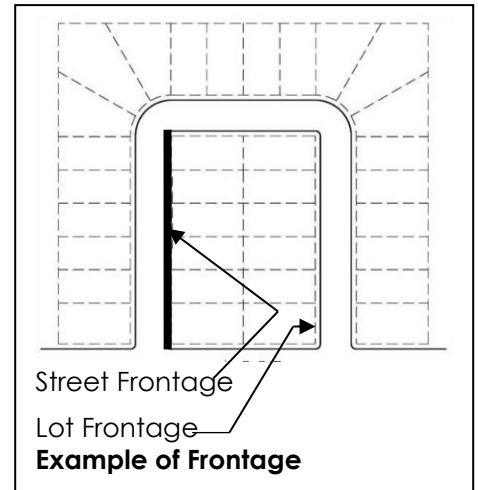
Fuel Station: A designated facility offering the sale gasoline, diesel fuel and propane.

Fuel Storage: Tanks used to storage fuel either above- or below-ground as part of an agricultural operation.

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



Freestanding Canopy



Example of a Frontage Road

G

Garage, Private: An accessory building or an accessory portion of the principal building which is intended and used for storing the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on, provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two-car capacity may be so rented.

Garage, Maintenance and Repair: Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.

Garage, Public: A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Garage, Repair: A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work for payment. (Also, see Service Station.)

Garage, Storage: A building or premises used for housing, only of motor vehicles, pursuant to previous arrangements and not by transients; and where no equipment, parts, fuel, grease or oil are sold and vehicles are not rebuilt, serviced, repaired, hired nor sold.

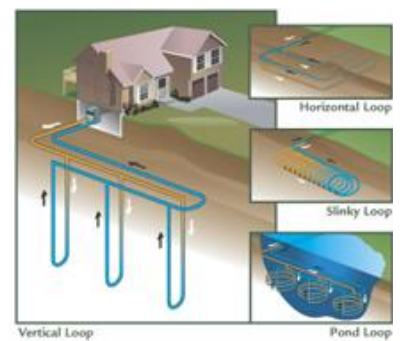
Garden Apartment Building: An apartment building located on a lot either singly or together with other similar apartment buildings, such buildings generally being one or two stories in height and having grounds completely landscaped.

Garden Center: A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouse, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

General Offices: The Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

Geothermal Heat Pump System: A well, constructed for the purpose of utilizing the geothermal properties of the earth.

1. Open Loop Heat Pump well shall mean a well that transfers heat via pumped ground water which is discharged above and/or below ground.
2. Closed Loop Heat Pump well shall mean a well, constructed for the purpose of installing the underground closed loop pipe necessary to recirculate heat transfer fluid.
3. Horizontal Closed Loop means a trench or pit essentially parallel to the horizon and into which a closed loop pipe is placed for the purpose of heat transfer.
4. Vertical Closed Loop means a borehole essentially perpendicular to the horizon into which a closed loop pipe is placed for the purpose of heat transfer.



Examples of Geothermal Heat Pump System

Golf Cart: A motorized vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes

Grade: The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

1. For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.
2. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
3. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Grain Elevator: A structure or group of structures whose purpose is limited to the receiving, processing, storage, drying and transporting of bulk grain.

Graphic Element: A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.



Graphic Element

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

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



Greenway

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

Greenhouse: A building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

Greenhouse, Noncommercial: A building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

Greenway: A parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set-aside for a walkway, bicycle trail, bridle path, or other similar access-way.

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

Groundcover: Plant material used in landscaping which remains less than 12 inches in height at maturity.

Groundwater: Water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

Group Home: any group of persons not meeting the definition of Family and occupying a single dwelling unit living together as a single housekeeping unit, but not including a boarding or rooming house.

Guest, Permanent: A person who occupies, or has the right to occupy, a hotel or apartment hotel accommodation for a period of 30 days or more.

Guest Room: A room, which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

H

Half-Story: A story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

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

Hard Surfaced: Any surface used for movement of vehicular and/or pedestrians which is properly designed and paved with either concrete, asphalt, or masonry brick or pavers.

Harmony: A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

Hazardous Waste: Any discarded material, refuse, or waste products, in solid, semisolid, liquid, or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.

Health Club: Means an establishment providing physical fitness facilities and services to the public for a fee, including but not limited to: game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of club only.

Hedge: A plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

Home Improvement Center: A facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, paint, glass, housewares, household appliances, garden supplies, and cutlery.

Home Occupation: A business, profession, occupation or trade conducted for gain or support as an accessory use entirely within a dwelling, or a structure, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

Homeless Shelter: see Temporary Shelter.

Homeowners or Property Owners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of a definitive area, who collectively may take permanent responsibility for costs and upkeep of commonly owned or designated community property.

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

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

Hospice: A facility serving as a medical and residential facility for end-of-life treatment, providing inpatient services and support services for families of the residents and patients.

Hospital: Means an institution licensed by state law providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

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

Hotel: A building which provides a common entrance, lobby, halls and stairways and in which lodging is offered with or without meals to transient guests.

Hotel, Apartment: A hotel in which at least 50 percent of the hotel accommodations are for occupancy by permanent guests.

Housing for the Elderly and Persons with Disabilities: a multiple-family structure designed, maintained and operated for exclusive occupancy by the elderly and/or persons with disabilities as defined by the regulations of HUD and providing that one dwelling unit may be used for a resident manager who shall be exempt from occupancy age limitations or disabilities

I

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

Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

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

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

Incidental Use: A use, which is subordinate to the main use of a premise.

Incompatible Use: A use which is unsuitable for direct association with certain other uses because it is contradictory, incongruous or discordant.

Industrial Park: A special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.

Industrial Solid Waste: Non-toxic, non-hazardous solid waste generated from industrial processing and acceptable as material for disposal in an industrial landfill.

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

Industrial, General: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

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

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

Infill Development: The construction of a building or structure on a vacant parcel located in a predominantly built-up area.

Infill Site: Any vacant lot, parcel or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided. a predominately built-up area.

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

Inoperable Motor Vehicle: Any motor vehicle which: (1) Does not have a current state license plate; or, (2) Which is disassembled or wrecked in part or in whole, or is unable to move under its own power; or, (3) is not equipped as required by the Code of Iowa for operation upon streets or highways. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

Institutional Building: A public and public/private group use of a nonprofit nature, typically engaged in public service (i.e. houses of worship, nonprofit cultural centers, charitable organizations).

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

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

Intent And Purpose: The Commission and Council by the adoption of this Regulation, have made a finding that the health, safety, and welfare of the Community will be served by creation of the District and by the regulations prescribed therein.

Interchange: A grade separated intersection providing transfer of motor vehicles from one roadway to another.

Intermittent Stream: Has flowing water only during certain periods of time, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water.

Irregular Tract: a parcel of land that has not been subdivided through adopted plat procedures, but nonetheless has been assigned a number for identification purposes.

J

Junk: Any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

Junk Yard: An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. The term includes an auto-wrecking yard but does not include uses carried on entirely within enclosed buildings.

K

Kennel: Any premises on which four or more dogs, or four or more cats, or any combination thereof exceeding four in number, which are six months or older, are kept; or the keeping of dogs or cats, regardless of number, for sale, breeding, boarding or treatment purposes.

Kennel, Boarding: A use on any lot or premises in which dogs, cats or any other household pets, at least four months of age, are raised, boarded, or bred.

Kennel, Commercial: A use on a lot or premises solely for the purpose of boarding of household pets.

Kenneling, In-home: A use within the interior of a residential dwelling.

Kitchen Facilities: A room or area equipped for the preparation and cooking of food when it has all of the following:

1. Kitchen sink.
2. Burner, cook stove, or microwave oven.
3. Refrigerator.

L

Laboratory, Medical: An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.

Lagoon: A wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes.

Landfill, Construction Material: The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

Landfill, Solid Waste: see Sanitary Landfill

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

1. Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
2. Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

Landscaping: The improvement of any parcel of land with: grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects and other natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Laundry, Self Service: An establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

Law Enforcement Center: A governmental facility working directly with the enforcement of laws through a municipality or county. A law enforcement center may be the base of operations for a sheriff, police department, or state agency, or it may be an incarceration facility (temporary or long-term), or a combination of all.

Leapfrog Development: New development separated from existing development by vacant land.

Leased Campground: A single tract of land with or without individually leased lots used for camping by the lease holders only. No transient camping is allowed.

Life Care Facility: A facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals, culminating in full health, and continuing care nursing home facility. Also, see Congregate Housing.

Light Cut-Off Angle: An angle from a vertical, extending downward from luminaries, which defines the maximum range of incident illumination outward at the ground plane.

Limits of Grading: The outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

Liquor Sales: Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

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

Local Street: A street or road primarily for service to abutting properties.

Lodging Room: A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

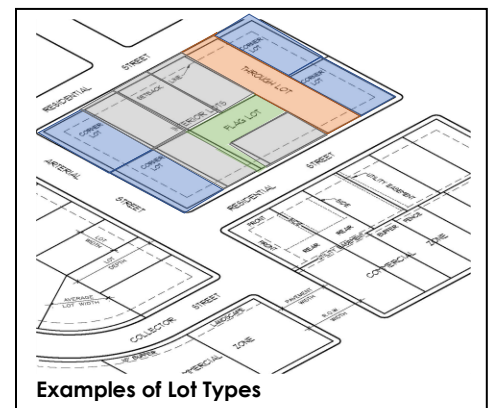
Lot: A parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Floyd County Recorder and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.

Lot, Corner: A lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

Lot, Double Frontage, or Through: A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Lot, Flag: An interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

Lot, Interior: A lot other than a corner lot.



Lot Area The total area, on a horizontal plane, within the lot lines of a lot.

Lot Coverage: The portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

Lot Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

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

Lot Line: The property line bounding a lot.

Lot Line, Front: The property line abutting a street.

Lot Line, Rear: A lot line not abutting a street which is opposite and most distant from the front lot line.

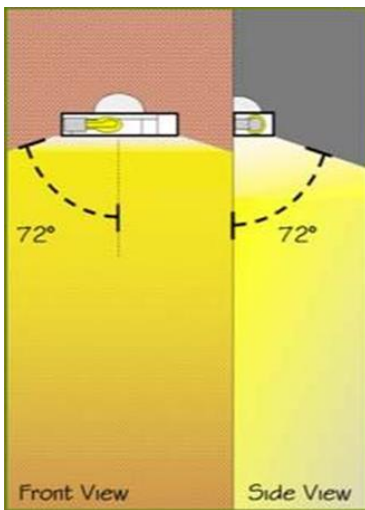
Lot Line, Side: Any lot line not a front lot line or rear lot line.

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

Lot of Record: A lot which is a 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.

Lot Width: The average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

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



M

Machine Shop: A workshop, including tool and die shops, that turns, shapes, planes, laser metal cutting, mills or otherwise reduces or finishes metal by machine-operated tools.

Major Recreational Equipment: Boats and boat trailers, travel trailers, pickup campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers and the like and recreational vehicles.

Manufacture: Any method of processing, developing, fabricating or assembling raw material, semi-finished materials or parts into semi-finished or finished products.

Manufactured Home: A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed 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 is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purposes of these regulations, manufactured home shall be considered the same as any site built single-family detached dwelling.

Manufactured Home Park: An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes provided the manufactured home spaces shall not be sold or offered for sale individually. The term "manufactured home park" does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.

Manufactured Home Sales Area: An open space, other than a street, used for display or sale of new or used manufactured homes and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.

Manufactured Home Subdivision: Any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

Manufacturing, Primary: the initial manufacture, compounding, and processing of raw or unprocessed materials, or the manufacture of component parts that require additional processing, fabrication, or assembly prior to use by the consumer.

Manufacturing, Secondary: the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, and the blending of materials, such as lubricating oils, plastics, resins, or liquors, for final use or consumption.

Map, Official Zoning District: A map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the City Council for Charles City, Iowa.

Marina: A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure watercraft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.



Example of a Manufactured Home

Source: <http://transportablehomesspecialist.com/>

Massage Establishment: Any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device.

Master Fee Schedule: A fee schedule maintained by the City of Charles City and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities.

Mechanical Equipment: Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Medical Offices: The use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Iowa.

Mini-Storage or Mini-Warehouse: a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

Missing Middle Housing: the use of certain housing types such as cottage courts, stacked duplexes, courtyard buildings/apartment, live-work spaces, townhouses, and more. These types of housing are typically used where workforce housing is a need.

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

Mixed Use Building: A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

Mixed Use Development: A single development that incorporates complementary land use types into a single development.

Mobile Food Unit: A temporary food service establishment that is a vehicle-mounted and is designed to be readily movable.

Mobile Home Park: a parcel of land under single ownership that has been planned and improved for the placement of mobile housing used or to be used for dwelling purposes and where mobile home spaces are not offered for sale or sold. The term "mobile home park" does not include sales lots on which new or used mobile homes are parked for the purposes of storage, inspection, or sale.

Mobile Home Subdivision: any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by mobile homes.

Modular Home: a factory-built structure which is to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted and displays a seal issued by the Iowa State Building Code Commissioner.

Monotony: Repetitive sameness, lacking variety and variation, and or reiteration.

Moratorium: a temporary halting of specific development activities for a specific timeframe.

Motel: see Hotel.

Motor Freight Terminal: A building or area in which freight brought by motor truck is received, assembled, or stored and dispatched for routing by motor truck which may include motor truck storage.

Motor Vehicle: Every self-propelled land vehicle, not operated upon rails, except self-propelled wheelchairs.

Museum: an institution devoted to the procurement, care, study, and display of objects of lasting interest and value.

N

Net Site Area: The area inside of lot lines, exclusive of streets and alleys.

Nightclub: a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided, except when defined as adult entertainment. Also see Bar.

Nonconforming Building: a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

Nonconforming Structure: A structure which was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the nonconforming characteristics of the structure.

Nonconforming Use: a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

Non-Farm Buildings: all buildings except those buildings utilized for agricultural purposes on a farm.

Noxious Matter: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the psychological, social or economic well-being of human beings.

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

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

O

Office, General: a business establishment, or portion thereof, where consulting, record keeping, bookkeeping and clerical work are performed, but not to include medical offices or clinics.

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

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

Official Zoning District Map: A map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Charles City Council.

Off-road utility vehicle, UTV as defined in Iowa Code Section 321.1(17)(a), means a motorized vehicle with not less than four and not more than eight nonhighway tires that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. "Off-road utility vehicle" includes the following vehicles:

- A. "Off-road utility vehicle – Type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
- B. "Off-road utility vehicle – Type 2" means an off-road utility vehicle, other than a Type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
- C. "Off-road utility vehicle – Type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

Off-Street Parking Area: All off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

Open Feedlot Operation: an unroofed or partially roofed animal feeding operation if crop, vegetation, or forage growth or residue is not maintained as part of the animal feeding operation during the period that animals are confined in the animal feeding operation.

Open Sales Lot: Any land used or occupied for the purpose of buying and selling second-hand passenger cars and/or trucks, farm machinery and equipment or for the storing of same prior to sale.

Open Space: A parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

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

Open Space, Usable: An area of land or water or combination of land and water which may include complimentary structures and improvements within the site, excluding space devoted to parking, designed and intended for common use and enjoyment.

Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.

Outdoor Storage Containers: An “outdoor storage container” is defined as a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement and not exceeding 8 feet in width, 12 feet in height, and 40 feet in length or a total enclosed floor area of 320 square feet. The unit must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, electricity, plumbing, or other mechanical systems as part of its assembly or use.

Outlet Store: A commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.

Outlot: A lot remnant or parcel of land left over after platting, which is intended as open space or other designated use.

Overlay District: A district in which additional requirements act in conjunction with the underlying zoning district.

Owner: One or more persons, including corporations, who have title to the property, building or structure in question.

P

Package Liquor Store: An establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

Paintball: All guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.

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

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

Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.

Parking, Off-Street: All hard-surfaced areas other than public rights-of-way for the purpose of parking vehicles.

Parking, On-Street: the space designated for parking a vehicle within the paved portion of the street right-of-way.

Parking Area, Private: An area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

Parking Area, Public: An area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

Parking Lot: An area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

Parking Space, Automobile: An area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 19 feet, plus such additional area as is necessary to afford adequate ingress and egress.

Parkway: An arterial highway with full or partial control of access and located within a park or ribbon of park like development.

Paved: Permanently surfaced with poured concrete, concrete pavers, or asphalt.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

Permanent Foundation: A base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

Permanent Storage: The long-term storage on-site within an accessory building or structure.

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

Permitted Use: A use by right which is authorized in each zoning district.

Person: An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Charles City, Iowa.

Personal Services: Uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall not be limited to but including grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

Pet Shop: A retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.

Planned Unit Development: A development held in unified ownership or control which includes two or more principal buildings for which the specific requirements of a given district may be modified.

Planning and Zoning Commission: The Planning and Zoning Commission of Charles City, Iowa.

Plant Materials: Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs and other such vegetation.

Plat: A map showing the location, boundaries, and legal description of individual properties.

Plat of Survey: a graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.

Policy: A statement or document of the City of Charles City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

Porch, Unenclosed: A roofed projection which has no more than fifty percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screens.

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

Preschool: An early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

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

Principal Building: A building in which the principal use of the lot on which the building is located is conducted.

Principal Use: A principal use is the main use of the premises permitted outright in a particular zoning district as distinguished from a special use.

Private Road: A right-of-way open to vehicular ingress and egress established as a separate tract for the common use and benefit of certain, adjacent properties. This definition shall not apply to individual driveways.

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

Prohibited Use: Any use of land, other than nonconforming, which is not listed as a permitted use, conditional use or accessory use within a zoning district.

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

Proportion: A balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

Protected Zone: All lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Unified Development Ordinance.

Public Facility: Any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses

Public Use: A specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

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

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

Q

Quarry: An open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

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

R

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

Recreation, Indoor: A facility for relaxation, diversion, amusement or entertainment where such activity occurs within a building or structure.

Recreation, Outdoor: A facility for relaxation, diversion, amusement or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.

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

Recreational Vehicle: A vehicular type camping unit primarily designed as temporary living quarters for recreational, 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 or tent trailer, truck camper, and motor home or coach.

Recreational Vehicle Site: A plot of ground within a recreational vehicle park intended for the accommodation of two or more recreational, vehicles, tents, or other individual camping units on a temporary basis.

Recycling Center: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The facility is not junkyard.

Recycling Collection: A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

Recycling Processing: Any site which is used for the processing of any postconsumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

Redevelopment Area: For purposes of this Ordinance the Redevelopment Area is defined to include the area designated as Riverside Tax Increment Financing (TIF) District, (R-36(c)) Disaster Area).

Reinspection Fee: Any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the inspector or agent of the City.

Remote Parking: A supply of off-street parking at a location not on the site of a given development.

Renewable Energy: Energy sources including wind, solar power, biomass, and hydropower, that can be regenerated and that is much less polluting than nuclear or fossil fuels.

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

Research Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation but no facilities for the manufacture of products for sale.

Residence: A building used, designed, or intended to be used as a home or dwelling place for one or more families.

Residential: Regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

Residential Care Facility: Any institution, place, building or agency providing for a period exceeding twenty-four 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.

Restaurant: A public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building.

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

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

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

Rest Home (Nursing Home): A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for the treatment of disease injury, nor does it provide care for maternity or mental illness.

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

Retail Sales: Establishments engaged in selling of goods or merchandise to the general public for personal or household consumption.

Retail Services: Establishments engaged in selling of goods or merchandise including household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

Retail Services, General: Establishments providing retail services, occupying facilities of more than 5,000 square feet for any single establishment or more than 10,000 square feet for a multi-tenant facility. Typical establishments provide for general purpose retailing oriented to Charles City and its immediate vicinity.

Retail Services, Limited: Establishments providing retail services, occupying facilities of 5,000 square feet or less for any single establishment or 10,000 square feet or less for a multi-tenant facility. Typical establishments provide for specialty retailing or retailing oriented to Charles City and a local market.

Retention Basin: A pond, pool, or basin used for the permanent storage of stormwater runoff.

Retirement Residence: A building or group of buildings which provide residential facilities for more than four residents of at least sixty-two years of age, or households headed by a householder of at least sixty-two years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

Reverse Spot Zoning: An arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

Rezoning: An amendment to or change in the zoning regulations either to the text or map or both.

Rezoning, Piecemeal: The zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

Right-of-Way (ROW): A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

Road, Private: A way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-way and Street.

Road, Public: All public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.

Room: An unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

Rooming House (Tourist Home): A residential building, or portion thereof, containing lodging rooms which accommodates three or more persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

S

Salvage Services: Places of business engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms.

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

Sand or Gravel Pit: Land used for the extraction of sand and/or gravel for public and/or commercial use.

Sanitary Landfill: A type of operation in which garbage and refuse, or garbage, or refuse is deposited by a plan on a specified portion of land, and is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six to twelve inches over individual cells of garbage and/or refuse, which are closed at the end of each day, and to a depth of at least twenty-four inches over the finished land fill.

Sanitary Transfer Station: A collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and Federal Agencies.

Satellite Antenna - Satellite Dish: Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter relay located in planetary orbit.

Scale: Proportional relationship of the size of parts to one another and to the human.

Scenic Easement: An easement for the purpose of limiting land development in order to preserve a view or scenic area.

School or Nursery: See Child Care Center, Licensed.

School, Elementary, Junior High, or Senior High: Public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by state law.

Screening: A structure or planting that conceals from view from public ways the area behind such structure or planting.

Selective Clearing: The careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

Self-Service Station: Establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Separate Ownership: ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

Service Station: a building and premise where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

Setback: The minimum distance, as prescribed by this regulation, measured from the edge of the eave or other similar building component located closest to the lot line.

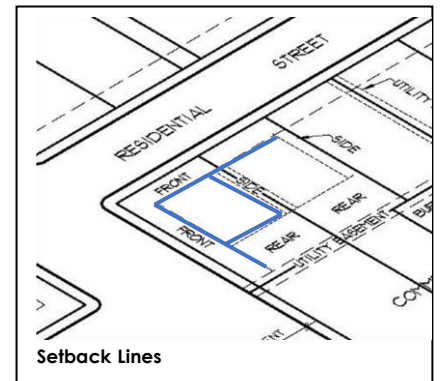
Setback Line, Front Yard: see Yard, Front

Setback Line, Rear Yard: see Yard, Rear

Setback Line, Side Yard: see Yard, Side

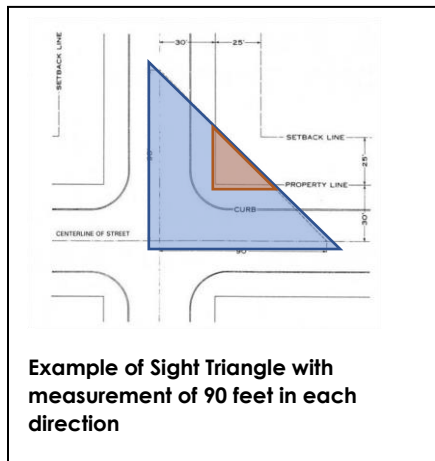
Shopping Center: A grouping of retail businesses and service uses within a single master planned complex of one or more buildings with common parking facilities, access and open space.

Shopping Center, Commercial Strip: A commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.





Sidewalk Café



Short-term Rentals: Any dwelling or condominium or portions thereof, in which the owner does not reside, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.

Shrub: A multi-stemmed woody plant other than a tree.

Sidewalk Café: An area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

Sight Triangle: Is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets along the centerline of the streets.

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

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

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

Skate Park: a recreational facility containing ramps and other obstacle courses and devices for use with skateboards and skates.

Skateboard Pipe: a structure which is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

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

Specialized Product Store: a retail commercial use that typically merchandises products of a similar nature such as, but not limited to electronics, jewelry, greeting cards.

Sporting Facilities, Extreme: A facility for individual sports including axe throwing, target shooting with either firearms or bow equipment, golf, and similar uses. The facility may or may serve food, non-alcoholic beverages, or alcoholic beverages.

Spot Zoning: the zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group but must be in the general public interest.

Stable and/or Riding Academies: The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

State: The State of Iowa.

Storage: the keeping, in a roofed or unroofed area, of any goods, material, merchandise, or vehicles.

Storage, Climate Controlled: Storage units that are fully enclosed in a building with the access to the individual storage units being from interior hallways of the building, rather than from accessing the unit directly from the outdoors. The storage unit is designed and maintained to provide for steady temperatures and humidity levels. Humidity levels should not exceed 50% with temperatures between 50 to 80 degrees F.



Storage Container, Portable: Any container that can be loaded onto the chassis of a semi-trailer for the purpose of hauling materials and commodities. Portable storage containers are intended to be used as a load on-site and haul-off for storage off-site. Another name for these containers is Portable on Demand Storage.

Storm Drain: A conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

Stormwater Detention: Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the City.

Stormwater Management: The collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

Stormwater Runoff: Surplus surface water generated by rainfall that does not seep into the earth but flows over land.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story.

Story, First: The lowest story in a building which qualifies as a "story," as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade as defined herein for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

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

Street, Arterial: A street primarily intended to carry traffic from one part of the City to another and secondarily intended to provide access to abutting properties.

Street (Avenue, Place, Road, Terrace or Parkway): A right-of-way, not less than 24 feet wide, which affords a primary means of access to abutting property.

Street, Collector: A street primarily intended to gather traffic from a subdivision and carry it to an arterial street, but also intended to provide direct access to abutting properties.

Street, Court: An approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

1. Serves twelve or fewer housing units or platted lots.
2. Does not function as a local street because of its alignment, design, or location.
3. Is completely internal to a development.
4. Does not exceed 600 feet in length.

Street, Curvilinear: Local streets that deviate from straight alignment and change direction without sharp corners or bends.

Street, Local: A street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

Street, Looped: A continuous local street without intersecting streets and having its two outlets connected to the same street.

Street, Major: A street or highway used primarily for fast or high-volume traffic, including expressways, freeways, boulevards, and arterial streets.

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

Street, Side: Street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

Street Centerline: The centerline of a street right-of-way as established by official surveys.

Street Frontage: The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street, Frontage Access: A street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.

Street Hardware: Man-made objects other than buildings that are part of the streetscape. Examples include but are not limited to lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

Street Line: A dividing line between a lot, tract, or parcel of land and the contiguous street.

Streetscape: The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

Structural Alterations: Any change, other than incidental repairs, in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

Structure: Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. An advertising or business sign or other advertising device, if detached or projecting, shall be construed to be a separate structure.

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

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions.

Subdivision: a tract of land divided into three or more lots.

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

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

Surplus Sales: Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

Swimming Pool, Private: A pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

T

Tanning Studio: Any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

Tattoo Parlor/Body Piercing Studio: An establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

Tavern: see Bar.

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

Temporary Shelter: A structure used as a day facility or temporary dwelling for abuse victims, transient or homeless individuals, but not including orphanages or foster homes, operated by a nonprofit religious, educational, or philanthropic institution.

Temporary Use: A use intended for limited duration to be located in a zoning district not permitting such use.

Terrace: A raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

Theater: A building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and limited audience participation or meal service.

Townhouse: A dwelling unit, which is attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling is individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowner's association (council of co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.

Tract: A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

Trailer, Automobile: A vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

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

Tree Cover: An area directly beneath the crown and within the dripline of the tree.

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

Truck Wash: A mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses

U

Upper Story Housing: One or more dwelling units located above the first floor where allowed within a commercial district.

Upzoning: A change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple family residential district.

Use: The purpose or activity for which land or buildings are occupied or maintained.

Use, Best: The recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.

Use, Conditional: A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

Use, Highest: An appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

Use, Non-Conforming: Any use of a building or premises which on the effective date of this ordinance does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building or premises shall be located.

Use, Principal: The main use of land or building as distinguished from a subordinate or accessory use.

Use, Prohibited: Any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

Use, Temporary: Impermanent uses of an occasional nature not exceeding six months maximum duration. Temporary uses shall not involve the use of permanent structures, permanent signs or portable signs. Uses of a seasonal nature that recur periodically on a regular basis on the same site and reoccupy the same permanent building shall not be considered temporary uses.

Used Materials Yard: Any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

Utilitarian Structure: A structure or enclosure relating to mechanical or electrical services to a building or development.

Utility Easement: see Easement

Utility Hardware: Devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

Utilities, Overhead or Underground "Local Distribution System of": The local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

Utilities, Overhead or Underground "Transmission Line, Supply Line, Wholesale Carrier or Trunk Line, Main Feeder Line": or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

Utility Service: Any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

V

Value: The estimated cost to replace a structure in kind, based on current replacement costs.

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

Vegetation: Trees, shrubs, and vines.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

Vehicle Body Shop: A facility which provides vehicle collision repair services, including body frame straightening, replacement of damaged parts, and painting, but does not include mechanical engine or power train repair.

Vehicle Sales: The storage and display for the retail or wholesale sale, rental, or lease of more than two new or used vehicles, and which may include facilities for the incidental repair or body work of vehicles.

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

Vehicle, Motor: see Motor Vehicle.

Vehicle Storage: Storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

Vehicle Storage, Long Term: Storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

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

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

Veterinary Services: shall mean services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

Visual Obstruction: shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

W

Warehouse: A building used primarily for the storage of goods and materials.

Warehouse Club Operation: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

Warehouse, Distribution: Use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

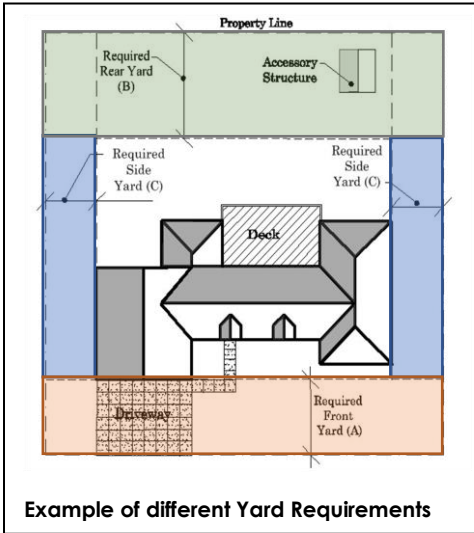
Wetland: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soils conditions, commonly known as hydrophytic vegetation.

Wholesale Establishment: An establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

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

X

Y



Yard: shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.

Yard, Front: shall mean a space between the front yard setback line and the front lot line or highway setback line and extending the full width of the lot.

Yard, Rear: shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

Yard, Side: shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

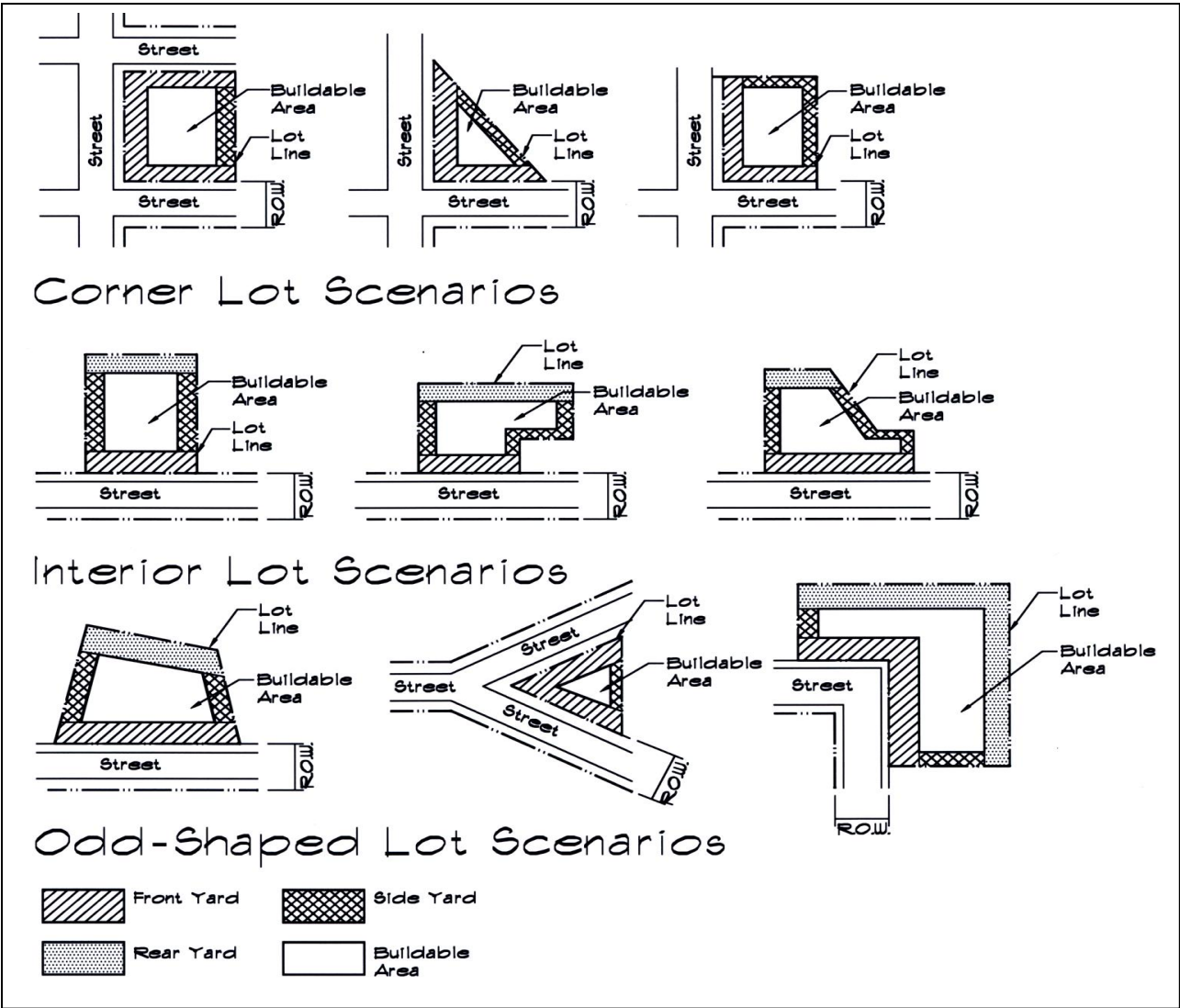
Z

Zoning Certificate/Building Permit: A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of the Unified Development Ordinance and for the purpose of carrying out and enforcing its provisions.

Zoning District: see District

Zoning District, Change of: The legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.



Section 1: General Provisions

Article 1.3: Planning and Zoning Commission

Section 1.3.1 According to 414.6 IAC:

Planning and Zoning commission — powers and duties.

1. In order to avail itself of the powers conferred by this chapter, the council shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein. Where a city plan commission already exists, it may be appointed as the zoning commission. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and such council shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the council amendments, supplements, changes, or modifications.
2. The Planning and Zoning Commission may recommend to the council for adoption a comprehensive plan pursuant to section 414.3, or amendments thereto. [C24, 27, 31, 35, 39, §6457; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §414.6] 2010 Acts, ch 1184, §24 Referred to in §329.9, §414.3, §657.9
3. The Planning and Zoning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Commission.

Article 1.4: Board of Adjustment

Section 1.4.1 Creation, Membership and Procedure

1. Creation, Membership and Procedure. A Board of Adjustment, consisting of five members, shall be appointed by the Council in accordance with provisions of Chapter 414 of the Code of Iowa. The appointment authority may remove any member of the Board for cause and after public hearing.
 - A. The Board shall elect its own Chairperson and shall have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of this Ordinance or any other ordinance. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel attendance of witnesses.
 - B. Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the Board's examination and other official actions, all of which shall be filed immediately in the office of the Board as a public record.
 - C. Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three members of the Board is 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 Ordinance or to affect any variation in the requirements of this Ordinance.
 - D. The Board may call on municipal departments for assistance in the performance of its duties and shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

Section 1.4.2 Applications and Appeals

1. An application to the Board, in cases in which it has original jurisdiction under the provisions of this Ordinance, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator, together with a fee as established by the City Council, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application, to the Board. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

2. An appeal to the Board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as prescribed by the rules of the Board, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. A fee as established by the City Council shall also accompany the appeal. Should the appeal be withdrawn prior to publication of legal notice thereon, such fee will be forfeited.
3. The Board shall fix a reasonable time for the hearing of an application or of an appeal in accordance with the Code of Iowa. It shall give notice of the time and place of such hearing by insertion in a newspaper having circulation in the community and shall also give notice delivered by first class mail before the time fixed for such hearing to the applicant or appellant and to the Zoning Administrator, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.
4. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate, a stay would in the opinion of the Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application, after notice to the Zoning Administrator, or by a court of record.

Section 1.4.3 Power to Make Special Exceptions and Interpretations of Maps

The Board shall have the power to hear and decide, in accordance with the provisions of this Ordinance, requests or applications for special exceptions or for interpretation of the zoning map or for decisions upon other special questions upon which the Board is authorized to pass. In addition to permitting the special exceptions heretofore specified, the Board shall have authority to permit the following:

1. Nonconforming Uses. The substitution for a nonconforming use, another nonconforming use, if no structural alterations except those required by law are made; provided, however, any use so substituted shall be of the same or a more restricted classification.
2. Temporary Uses and Permits.
 - A. The temporary use of a building or premises in any district for a purpose or use that does not conform to the standards prescribed by this Ordinance, provided that such use is of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
 - B. The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the standards prescribed by this Ordinance, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under paragraph 1.4.3 (2)(A) above.
3. Interpretation of Map. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the zoning map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this Ordinance for the particular section or district in question.

Section 1: General Provisions

Section 1.4.4 Administrative Review

The Board has the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Administrator in the enforcement of the provisions of this Ordinance.

Section 1.4.5 Variances

The Board may authorize on appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done, as follows:

1. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of these regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of this Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of this Ordinance, the Board shall have the power to authorize, upon appeal, a variance from such strict application, so as to relieve such difficulties or hardships, and so that the spirit and purpose of this Ordinance shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the furtherance of the purposes of this Ordinance.
2. No such variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:
 - A. There are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.
 - B. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
 - C. The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Ordinance or the public interest.
3. No grant or variance shall be authorized unless the Board specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of this Ordinance, for such conditions or situations.
4. The Board shall have no power to authorize a variance for the establishment of a nonconforming use where none previously existed.
 - A. Shape and area of lot in question.
 - B. Bulk and floor area of the main building or structure.
 - C. Setback of proposed sign from all property lines.
 - D. Zoning and use of surrounding parcels.
 - E. Unusual or exceptional topography.
 - F. Compatibility with general intent of the zoning regulations to encourage development without detracting from the use and enjoyment of surrounding property.

Section 1.4.6 Conditional Use Permits

The Board of Adjustment shall review, before issuing any conditional use permit, the conformity of the proposed building or use with the standards of the Comprehensive Plan and recognized principals of land use planning. The Board of Adjustment may approve the conditional use permit as submitted, or before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board of Adjustment deems necessary to preserve the intent

and purpose of this Ordinance in order to promote the health, safety, and general welfare of the community.

1. In the event a Conditional Use Permit is granted under the terms of this Ordinance, any changes thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.
2. A Conditional Use Permit shall not be granted by the Board unless and until A written application, on forms provided by the Zoning Administrator, is submitted indicating the Section of this Ordinance under which the conditional use is sought and stating the grounds on which it is requested.
3. The Board shall look specifically upon the following criteria in granting or denying a Conditional Use Permit, plus any additional criteria the Board finds necessary to protect the public health, safety, and general welfare in accordance with the intent of this Ordinance:
 - A. That the proposed location, design, construction and operation of the particular use adequately safeguards the health safety, and general welfare of persons residing or working in adjoining or surrounding property.
 - B. That such use shall not impair an adequate supply of light and air to surrounding property.
 - C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety.
 - D. That such use shall not diminish or impair established property values in adjoining or surrounding property, and
 - E. That such use will not unduly burden public utilities.
4. In granting any Conditional Use Permit, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance and punishable under provisions of this Ordinance.

Section 1.4.7 Action of the Board

In exercising its powers, the Board may, in conformity with the provisions of the Code of Iowa and of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in the Board's opinion, ought to be made, and to that end has all the powers of the officer from whom the appeal is taken.

Section 1.4.8 Judicial Review

All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provisions of Chapter 414, Code of Iowa, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

Section 1.4.9 City Council Remand

The City Council, may, at its discretion, review any affirmative decision of the Board of Adjustment at any time before the effective date of the decision in accordance with the provisions of Chapter 414 Code of Iowa. After such review, but prior to the effective date of the variance, the City Council may remand any such decision to the Board of Adjustment for further review. Upon remand, the Board of Adjustment may reconsider its decision and issue its final decision on the request within 30 days after the date of such remand.

Section 1.4.10 Expiration of Conditional Use Permit

All conditional use permits, and variances shall expire and terminate 90 days after the date of the granting of such Conditional Use Permit or variance unless a building permit has been issued for the construction authorized by such Conditional Use Permit or variance, or if no construction is authorized, then unless a Certificate of Zoning Compliance has been issued for such authorized use. The Board of Adjustment may, upon written request of the affected

Section 1: General Provisions

person, extend the time for the issuance of a building permit or Certificate of Zoning Compliance for 60 days. In the event the building permits for the construction so authorized is canceled, such Conditional Use Permit or variance shall thereupon expire and terminate.

Article 1.5: Zoning Administrator

Section 1.5.1 Zoning Administrator

1. Enforcement. The Zoning Administrator appointed by the Mayor with the advice and consent of the Council and with aid of other municipal departments shall enforce this Ordinance.
2. Powers and Duties of Zoning Administrator. The Zoning Administrator shall enforce this Ordinance, and in addition thereto and in furtherance of said authority, shall:
 - A. Issue all zoning certificates and make and maintain records thereof.
 - B. Issue all occupancy permits and make and maintain records thereof.
 - C. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Ordinance.
 - D. Maintain permanent and current records of these regulations, including, but not limited to, all maps, amendments, uses on review, variances, appeals and applications therefor.
 - E. Provide and maintain a public information service relative to all matters arising out of this Ordinance.
 - F. Forward to the Council and/or the Planning and Zoning Commission all applications for amendment to this Ordinance.
 - G. Transmit to the Board of Adjustment applications for appeals, variances, conditional uses on review or other matters on which the Board of Adjustment is required to pass under this Ordinance.
 - H. Issue occupancy permit regulating the erection of buildings or structures and use of land for periods not to exceed ten (10) days for specific purposes such as temporary carnivals, churches, charities, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said use of operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the City.
 - I. Issue permits for construction within floodplains.
 - J. Initiate, direct and review from time to time a study of the provisions of this Ordinance and make recommendations to the Planning and Zoning Commission and Council.

Article 1.6: General Provisions**Section 1.6.1 Provisions of Code Declared to be Minimum Standards.**

The provisions of this Code are the minimum requirements for promoting the health, safety, sustainability, and general welfare of the community.

Section 1.6.2 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

Section 1.6.3 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the City of Charles City, Iowa.

Section 1.6.4 Zoning Affects Every Building and Use

No building or land shall hereafter be used or reused, and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

Section 1.6.5 General Lot Size Requirements and Standards

No building shall be built upon a lot without the required minimum frontage along an improved private or public street built to minimum City street standards. No building shall be built upon a lot without a City approved driveway access to a public or private street or alley.

Section 1.6.6 Lot

5. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case, shall there be more than one principal building on a lot unless otherwise provided.
6. No building, structure, or part thereof, shall hereafter be built, moved or altered, and no building, structure or land shall hereafter be used or occupied upon a lot which is smaller in area than the minimum lot area or minimum lot area per dwelling unit; narrower than the minimum lot width; or shallower than the minimum lot depth required in the zoning district in which the building, structure or land is located.
7. No building or use of land for other than agricultural purposes shall be established on a lot that does not abut a public street.
8. Within residential districts, only one principal permitted use or structure shall be located on a single zoning lot. In other districts, any number of structures or uses permitted by this Code may be built, moved, altered, used or occupied, provided the individual district regulations can be met.
9. More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the Planning and Zoning Commission and approved by the City Council.
 - A. Institutional buildings
 - B. Public or semi-public buildings
 - C. Multiple-family dwellings
 - D. Commercial or industrial buildings
 - E. Home for the aged
 - F. Agricultural buildings
 - G. Clustered/Mixed Use Development

Section 1.6.7 Bulk Regulations

This Code expresses bulk regulations in terms of maximum building or structure height, maximum lot coverage, and minimum front, side and rear yards. Unless permitted elsewhere in this Code, no building, structure or part thereof, shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied or designed for use or occupancy so as to exceed the maximum building or structure height, or maximum lot coverage specified for the zoning district in which the building or structure is located.

Section 1: General Provisions

Section 1.6.8 Reduction in Lot Area Prohibited

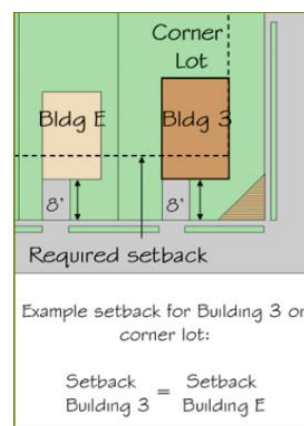
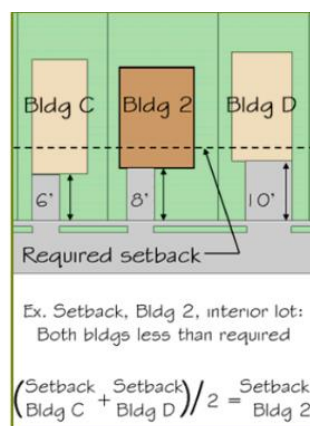
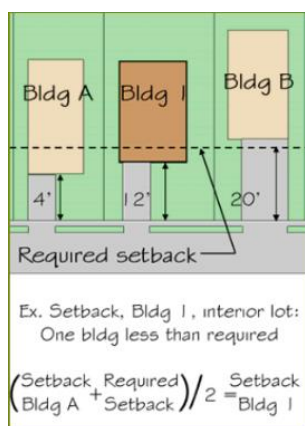
No lot existing on the effective date of this Code shall be reduced in dimension or area below the minimum requirements set forth herein.

Section 1.6.9 Obstructions to Vision at Street Intersections Prohibited

On any lot bounded by the street lines of intersecting streets, no fence or structure shall be erected that will obstruct the line of sight between the centerline of the intersecting streets when viewed across the triangular portion of the front or side yard determined by measuring 25 feet along each street line from the lot corner formed by the intersecting street lines; said line of sight to be viewed from one street center line to the other of a height of three feet above the respective established centerline grade at a point from which viewed and at the point to which viewed. On streets containing horizontal changes of direction no fence or structure shall be erected on any abutting property which will obstruct clear vision of the roadway for a distance of 200 feet as measured along the centerline of the street. On all other front yards obstruction may be permitted not to exceed three feet in height.

Section 1.6.10 Yard Requirements

1. Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
2. No part of a yard, or other open space, or off-street parking or loading space, required in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading space required for another building and or lot.
3. No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements herein.
4. All accessory buildings when connected to the principal building (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
5. The Zoning Administrator may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that:
 - A. More than 40 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and
 - B. A minority of such structures have observed or conformed to an average setback line, see illustration for different provisions:



6. Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and shall contain the owner shall install and maintain landscaping and planting suitable to provide effective screening.
7. Any yard for a commercial or industrial use located within any Commercial or Industrial Zoning District, which is adjacent to any residential use, or district shall be increased to 40 feet and shall

contain landscaping and planting suitable to provide effective screening; except in the Downtown Commercial District.

8. **Corner Lots within the R-1, R-2, R-3 and R-4 Residential Districts:** On corner lots, the following criteria apply to setbacks:
 - A. In existing developed areas, the Street Side Yard setback shall conform to existing setbacks of existing single-family structures, two family structures and multiple family structures along that street.
 - B. In new developments, the Street Side Yard setback shall be equal to the Front Yard Setback.
 - 1) However, if the corner lot is a triple frontage lot, a determination must be made to identify the Front Yard Street and the Side Yard Street. Pending such determination, and pending a review of side yard street conditions, including conformity to other house setbacks and traffic sight distances, the Street Side Yard setback may be reduced to conform with the table within the specific district.
9. *Double Frontage Lots:* The required front yard shall be provided on each street.
10. *Building Groupings:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 1.6.11 Drainage

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

Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent that such changes will not be a detriment to the neighboring lands.

Section 1.6.12 Permitted Obstructions in Required Yards

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

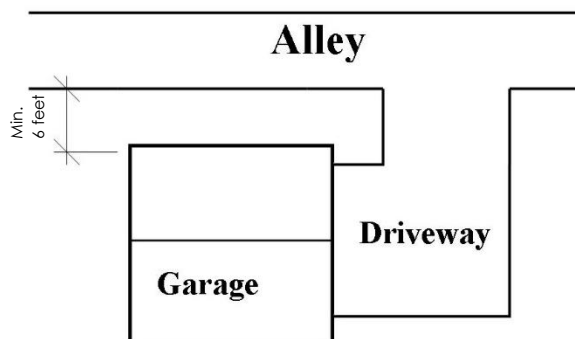
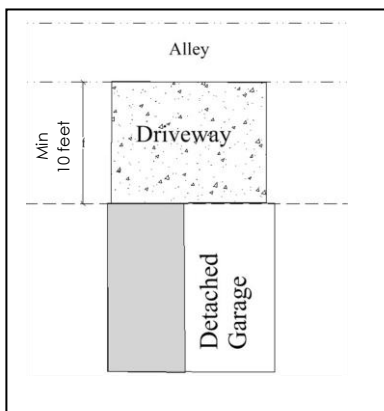
1. *All Yards:*
 - A. Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act are necessary for access to a permitted building or for access to a lot from a street or alley.
 - B. Chimneys projecting 24 inches or less into the yard.
 - C. Approved freestanding signs.
 - D. Arbors and trellises.
 - E. Flag poles.
 - F. Window air conditioners projecting not more than 18 inches into the required yard; and
 - G. Fences or walls subject to applicable height restrictions are permitted in all yards.
2. *Rear and Side Yards:*
 - A. Open off-street parking spaces
 - B. Playground and other recreational equipment.
 - C. Clothes lines.
 - D. Outside elements of central air conditioning systems.
 - E. Emergency egress systems for basements on an existing structure.
3. *Front Yards:*
 - A. Decks or porches not connected to the principal building and not constructed on footings may encroach up to 10 feet into the required front yard.

Section 1.6.13 Accessory Building and Uses

1. No accessory building or structure shall be constructed upon a lot prior to the construction of a principal building. The accessory building can be constructed concurrently with the construction of the principal building or can be constructed if a building permit has been issued for the principal

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- building. No accessory building shall be used for more than six months prior to the completion and use of the principal building.
2. In no event, shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
 3. In no event, shall a portable storage container be used as permanent storage/accessory building within any residential district.
 4. Garages utilized as an accessory structure to a principal building that are located on separate lots in common ownership provided the following additional terms and conditions are met:
 - a. That the lot upon which the garage is located cannot be sold separately from the principal structure to which it serves as an accessory building. The owner will be required to execute a recordable agreement with the City incorporating this restriction.
 - b. That the garage otherwise complies with the requirements of the zoning ordinance for accessory structures.
 - c. That the principal building to which the garage serves as an accessory structure be a primary residential dwelling within the corporate limits of the City of Charles City, Iowa.
 5. No detached accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.
 6. No accessory building shall be constructed in the required front yard.
 7. No accessory building shall be erected in or encroach upon the required front yard on a corner lot or the front yard of a double frontage lot.
 - a. Where the lot size is $\frac{1}{2}$ acre or more, the accessory building may be located in front of the front building line if the building maintains a minimum distance of 20 feet beyond the front setback.
 8. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet.
 9. When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances found in Section 1.6.13 (6) above.
 10. Side and rear yard setbacks for detached storage sheds no larger than 120 square feet in area shall be three feet for all zoning districts, provided such structure is located at least six feet from the primary structure.
 11. When a detached garage has access to an alley, the rear yard setback shall be increased to a minimum of 10 feet for garages directly accessing the alley from the garage and door is parallel to the alley. Otherwise, it shall be a minimum of six feet.



12. Temporary and portable carports may be allowed in designated zoning districts provided the following criteria shall be met:
 1. The carport shall be anchored to the ground with a permanent footing.
 2. Carport shall not be allowed to have more than two sides covered with a siding material.
 3. Siding material shall match the style of the primary structure on the lot.
 4. Shall meet all minimum setbacks.
13. Detached private garages and outbuildings in the Residential Districts within the corporate limits of Charles City for automobiles and/or storage use and other structures customary and

appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction and meet the following:

1. Be constructed of materials that are in good repair,
2. The sidewalls of said building shall not exceed 10 feet in height,
3. Garages shall have an overhang of at least six inches,
4. Garages shall have a maximum width of 36 feet,
5. Garages shall be constructed and finished in materials customary to residential construction.

14. Regulation of accessory uses shall be as follows:

1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

Section 1.6.14 Permitted Modifications of Height Regulations

1. The height limitations of this Ordinance shall not apply to:

Air pollution devices	Flag poles
Belfries	Ornamental towers and spires
Chimneys	Radio/television towers less than 125 feet tall
Church spires	Silos and grain elevators
Cooling towers	Smokestacks
Elevator bulkheads	Stage towers and scenery lots
Commercial elevator	Tanks
Penthouses	Water towers and standpipes
Fire towers	
Web cameras and meteorological equipment	

Provided that the appropriate yard setbacks are increased by one foot for every two feet in excess of the maximum height requirement for the given zoning district.

2. When permitted in a district, condominiums (via a Conditional Use Permit), public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located. In addition, all sides with turf or other landscaping materials shall be reinforced with reinforcement stable grass.

Section 1.6.15 Rear Yard Setbacks Reduction

The rear yard setback may be the lesser of the required setback in a district or 20% of the depth of the lot.

Section 1.6.16 Side Yard Setbacks Reduction

The required side yard shall be maintained on each side of a dwelling but may be reduced to 10 percent of the lot width on lots of less than 60 feet in width, provided, however, no side yard shall be less than five feet.

Section 1.6.17 Prohibited Storage of Motor Vehicles

Outdoor storage of motor vehicles not currently licensed shall be prohibited in all zoning districts, except motor vehicles held for sale by a licensed motor vehicle dealer at the dealer's place of business in a zoning district where motor vehicle sales are permitted and auto wrecking yards (as permitted).

Section 1.6.18 Temporary Uses and Permits

1. This section provides regulations authorizing temporary uses. These provisions are intended to permit occasional uses and activities of short duration, when consistent with the objectives of this chapter and when compatible with surrounding uses. They are further intended to prevent temporary uses from taking on the operating character of permanent uses.
 - A. Temporary use types. The following temporary uses are permitted, subject to the regulations contained within this section:

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- 1.) Model homes and apartments contained within the residential development to which they pertain.
 - 2.) Development sales offices.
 - a. A development sales or leasing office may only be established on a platted lot within the subdivision.
 - b. A development sales or leasing office may remain in place until 80 percent of the lots therein in the subdivision are sold or 75 percent of the units are occupied.
 - c. The sales or leasing office must meet all site development, parking and sign regulations of the base district.
 - 3.) Public assemblies, displays and exhibits including community and cultural events.
 - a. An event shall not be allowed in a residential zoning district, unless it is located on property owned by an allowed civic organization and operated by that organization.
 - b. Such uses shall not exceed 14 days in any 90-day period.
 - 4.) Commercial circuses, carnivals, fairs or similar transient amusement or recreational activities.
 - a. Events shall be no closer than 200 feet to an existing dwelling.
 - b. Events shall be located in a B-1 General Business and Service District or more intensive zoning district.
 - c. Such uses shall not exceed ten days in any 90-day period.
 - 5.) Carnivals, fairs or festivals operated by a nonprofit organization.
 - a. Events shall be located on property owned by the nonprofit organization, except as provided below.
 - b. Events may be located on property not owned by the nonprofit organization provided:
 - i. Events shall be no closer than 200 feet to an existing dwelling.
 - ii. Events shall be located in a B-1 General Business and Service District or more intensive zoning district.
 - c. Such events shall not exceed ten days in any 90-day period.
 - 6.) Construction site offices, if located on the construction site itself.
 - a. Such uses shall not remain for a period exceeding the date of the certificate of occupancy.
 - 7.) Construction batch plants, subject to the provisions of Section 1.6.18 (2) and (3) below.
 - 8.) Additional temporary uses determined to be similar to the previously described temporary uses by the Zoning Administrator.
 - a. Such uses shall be allowed for a period determined by the Zoning Administrator, but in no case shall such use be allowed for more than one calendar year.
 - b. Required conditions of all temporary uses.
 - i. For purposes of this section, when events are allowed to occur more than once in a year, the time of separation between events on a site shall be measured from the first day of the event.
 - ii. Any use or activity to be established on a temporary basis for more than a three-day period during a calendar year shall apply for and receive a temporary use permit.
 - iii. A temporary use permit shall only remain in effect for the time specified on the permit.
2. Required Conditions of All Temporary Uses
- A. Each site occupied by a temporary use shall be left free of debris, litter or other evidence of the use upon its completion or removal.
 - B. The Building Inspector may establish other conditions determined to be necessary to ensure compatibility with surrounding land uses and to minimize potential effects on nearby uses. These conditions may include but not be limited to:
 - 1) Time and duration of operation.

- 2) Temporary arrangements for parking and circulation.
 - 3) Requirements for visual screening of the activity; and,
 - 4) Guarantees of site restoration and cleanup.
3. Permit Application and Issuance
- A. An application to conduct a temporary use shall be filed with the zoning administrator not less than 14 days before the event, and shall include the following:
 - 1) A site plan, drawn to scale and fully dimensioned, showing existing parking and buildings, and the location of the proposed use.
 - 2) A statement describing the nature of the proposed temporary use.
 - 3) The hours of and duration of the temporary use.
 - 4) Other information, as determined by the Building Inspector, necessary to evaluate the proposed use.
 - B. Issuance of permit.
 - 1) The zoning administrator shall approve a temporary use permit only after making the following determinations:
 - a. The use will comply with all base district site development regulations.
 - b. Time and frequency of operation are acceptable.
 - c. The arrangement for parking and circulation allow safe access to the site.
 - d. The use will not create a nuisance or unreasonably disturb neighboring properties.
 - i. The hours of operation and duration of the temporary use permit shall be explicitly stated on the permit.
 - ii. The zoning administrator may elect to have the City Council consider the approval of an application for a Temporary Use Permit, and in such event the City Council shall make its determination in accordance with this Section.

Article 1.7: Non-Conforming Buildings, Structures, and Uses

Section 1.7.1 Use of Building

The lawfully existing non-conforming use of part or all of a building or structure, all or substantially all of which building, or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

1. The non-conforming use of part of a building or structure, all or substantially all of which building, or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure.
2. If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of twelve consecutive months, it shall not be renewed; and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.
3. No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure all or substantially all of which building, or structure is designed or intended for a permitted use.
4. Any structure devoted to a use made non-conforming by this Ordinance that is destroyed by any means to an extent of 50 percent or more of its assessed value cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure be less than 50 percent destroyed above the foundation, it may be reconstructed and used as before provided it be done within six months of such happening and be built of like or similar materials.

Section 1.7.2 Use of Land

The nonconforming use of land not involving a structure or building, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions:

1. A nonconforming use of land shall not be expanded or extended beyond the area included in the ownership existing at the time it became nonconforming.

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2. If the nonconforming use of land is discontinued for a period of six consecutive months, it shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located.
3. The nonconforming use of land shall not be changed to any other use except to a use permitted in the district in which the land is located.

Section 1.7.3 Use of Existing Lot of Record

In any district where dwellings are permitted, a single-family dwelling may be located on any lot of record as of the effective date of this Ordinance irrespective of its area or width; provided however:

1. The sum of the side yard widths of any such lot or plot shall not be less than 20 percent of the width of the lot, but in no case less than 10 percent of the width of the lot or five feet, whichever is greater, for any one side yard.
2. The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but in no case less than 20 feet.
3. Where such a lot is a corner lot, the width of side yard on the longer street side of the corner lot shall not be less than 75 percent of the front yard required on the lot to the rear if there is a reverse frontage of the corner lot.

Section 1.7.4 Use of Existing Lot of Record

Where a use exists on the date of the adoption of this Ordinance and it is classified as a Special Use it shall be considered to be a legal Special Use. Additions or alterations to existing buildings or land improvements for expansion of legal Special Uses shall not extend beyond the area included in the ownership existing at the time of adoption of this Ordinance, and they shall be subject to yard and floor area ratio requirements set forth in this Ordinance for permitted uses in the districts in which they are located.

Section 2:

Land Use Regulations

2.1 Zoning Districts

2.2 Overlay Districts

2.3 Supplemental Regulations

Article 2.1: Zoning Districts

Section 2.1.1 Districts; Use

For the purpose of this Chapter, the Municipality is hereby divided into 12 districts, designated as follows:

(UA)	Urban Agricultural District
(R-1)	Low Density Residential District
(R-2)	Medium Density Residential District
(R-3)	High Density Residential District
(R-4)	Residential/Office Transitional District
(R-M)	Mobile Home Residential District
(B-1)	General Commercial and Service District
(B-2)	Downtown Commercial District
(B-3)	Highway Commercial District
(M-1)	Light Manufacturing District
(M-2)	General Industrial District
(F-1)	Flex Development District

Section 2.1.2 Official Zoning Map

The Official Zoning Map is identified by the signature of the Mayor under the following words: "This is to certify that this is the Official Zoning Map referred to in Zoning Ordinance *** of the City of Charles City adopted on the **** day of January, *****." If, in accordance with the provisions of this Ordinance and Chapter 414 Code of Iowa as amended, changes are made in district boundaries or other matter portrayed in the Official Zoning Map, copies of such changes shall be filed with the Official Zoning Map promptly after the amendment has been approved by the City Council.

Regardless of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, together with amending ordinances, shall be the final authority as the current zoning status of land in the City.

In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of use, the City Council may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, under the following words: "This is to certify that the Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) by the City of Charles City, Iowa.

Section 2.1.3 Rules for Interpretation of District Boundaries on the Official Zoning Map

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.
6. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) to (6) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

Section 2: Land Use Regulations

8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) to (7) above, the Board of Adjustment shall interpret the district boundaries.
9. Where a district boundary line divides a lot, which was in single ownership at the time of passage of this Ordinance, The Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
10. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.
11. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

Section 2.1.4 Land Use Categories Table Explanation

The Matrix found in Section 2.1.6 of this Ordinance is a listing of uses that may be allowed within the variety of Zoning Districts.

1. The different uses are grouped into specific "Land Use Categories".
2. The "Land Use Categories" are listed in each of the Zoning Districts in lieu of specific uses. It is important to note, if a "Land Use Category" is listed within a specific Zoning District, it DOES NOT indicate every use in the "Land Use Category" is allowed within the specific District.

The different uses within Section 2.1.6 are Permitted (P), Allowed upon approval of a Conditional Use Permit (C), Temporary (T) or not permitted (-).

In order to determine if a specific use is allowed in a Zoning District, the following steps need to be followed:

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

The Table in Section 2.1.6 also lists Accessory Uses which may be allowed or not allowed in any specific Zoning District. The Accessory Use listing can be found at the end of the Table.

Section 2.1.5 Annexed Territory

Any additions to the incorporated area of the city, resulting from disconnection by the county or otherwise, shall be automatically classified as the UA - Urban Agricultural District until Planning and Zoning Commission and City Council have studied the area and adopted a Zoning District or districts for the area in accordance with Section 4.2.1 of this Ordinance.

Section 2.1.6 Land Use Categories/Matrix

P = Permitted C = Conditional Use Permit T = Temporary E = Exempt and Outright Allowed "-" = not permitted *1 = Floodplain regulations shall be met		UA – Urban Agricultural District R-1 – Low Density Residential District R-2 – Medium Density Residential District R-3 – High Density Residential District R-4 – Residential/Office Transitional							B-1 – General Commercial and Service District B-2 – Downtown Commercial B-3 – Highway Commercial District M-1 – Light Manufacturing District M-2 – General Industrial District F-1 – Flex Development District					
Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	Additional Requirements
Agriculture & Horticulture Uses	Agricultural buildings for general ag. use	P	-	-	-	-	-	-	-	-	-	-	-	
	Agricultural operations	P	-	-	-	-	-	-	-	-	-	-	-	
	Community Gardens	P	T	T	T	T	T	T	T	T	-	-	-	
	Crop Production	P	-	-	-	-	-	-	-	-	-	-	-	
	Farms for breeding, raising, and selling wild game, fish, or livestock	C	-	-	-	-	-	-	-	-	-	-	-	
	Greenhouse	P	-	-	-	-	-	-	-	C	-	-	-	
	Livestock for 4-H purposes as a Secondary use	P	-	-	-	-	-	-	-	-	-	-	-	
	Livestock sales	C	-	-	-	-	-	-	-	-	-	-	-	
	Wineries/Vineyards	P	-	-	-	-	-	-	-	-	-	-	-	
	Specialty farming, ind. Tree farms, orchards and agricultural	P	-	-	-	-	-	-	-	-	-	-	-	
Agricultural Sales & Service	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for commercial use.	C	-	-	-	-	-	-	-	-	C	C	-	
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for personal use.	P	-	-	-	-	-	-	-	-	-	-	-	
	Agricultural implement & vehicle sales and service	C	-	-	-	-	-	-	-	C	C	C	C	
	Agricultural research farm	P	-	-	-	-	-	-	-	-	-	-	-	
	Agricultural processing	C	-	-	-	-	-	-	-	-	-	-	-	
	Agriculture feed mixing and blending, seed sales and grain handling operations	C	-	-	-	-	-	-	-	-	C	C	-	
	Equestrian centers and stables	C	-	-	-	-	-	-	-	-	-	-	-	
	Horses and other non-commercial livestock on residential lots	C	-	-	-	-	-	-	-	-	-	-	-	
Residential Living	Seasonal dwelling or cabins	P	-	-	-	-	-	-	-	-	-	-	-	
	Accessory Dwelling Units	P	P	P	P	P	P	P	P	P	-	-	-	
	Cargo Container Dwelling	P	-	P	P	P		-	-	-	-	-	-	
	Condominiums (max. of 2 units)	-	-	P	P	P	-	-	-	-	-	-	-	
	Condominiums (2 units or more)	-	-	P	P	P	-	-	-	-	-	-	-	
	Cottage Courts	-	-	C	P	P	-	-	-	-	-	-	-	
	Courtyard Residential	-	-	-	P	P	-	-	-	-	-	-	C	
	Grain Bin Dwelling	C	-	-	P	P	-	-	-	-	-	-	-	
	Mobile Home Dwelling	C	-	-	-	-	P	-	-	-	-	-	-	
	Mobile Home Dwelling as secondary dwelling	P	-	-	-	-	P	-	-	-	-	-	-	

Section 2: Land Use Regulations

P = Permitted C = Conditional Use Permit T = Temporary E = Exempt and Outright Allowed "-" = not permitted *1 = Floodplain regulations shall be met		UA – Urban Agricultural District R-1 – Low Density Residential District R-2 – Medium Density Residential District R-3 – High Density Residential District R-4 – Residential/Office Transitional							B-1 – General Commercial and Service District B-2 – Downtown Commercial B-3 – Highway Commercial District M-1 – Light Manufacturing District M-2 – General Industrial District F-1 – Flex Development District					Additional Requirements
Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	
	Multi-family dwelling (max. of 4 units per building)	-	-	P	P	P	-	C	-	C	-	-	C	
	Multi-family dwelling (more than 4 units per building)	-	-	-	P	P	-	C	-	C	-	-	C	
	Quonset houses	P	-	-	P	P	-	-	-	-	-	-	-	
	Shouse	P	-	-	-	-	-	-	-	-	-	-	-	
	Single-family attached dwelling (max. of 2 units)	-	C	P	P	P	-	-	-	-	-	-	-	
	Single-family attached dwelling (more than of 2 units)	-	-	P	P	P	-	-	-	-	-	-	-	
	Single-family detached dwellings	P	P	P	P	P	P	-	-	-	-	-	-	
	Tiny House	C	-	-	-	-	C	-	-	-	-	-	-	
	Two-family/Duplex/Stacked Duplex	-	-	C	P	P	-	-	-	-	-	-	-	
	Upper story housing	-	-	-	-	-	-	C	P	C	-	-	-	
Residential/ Commercial Institutions	Adult care homes	-	P	P	P	P	-	P	P	P	-	-	-	
	Assisted Living Facilities	-	C	C	C	P	-	P	P	P	-	-	-	
	Bed and Breakfast	P	C	P	P	P	-	-	-	-	-	-	-	See Section 2.2.4.12
	Convents	P	C	C	C	C	-	-	-	-	-	-	-	
	Emergency Residential Services/Shelters	P	P	P	P	P	P	P	P	P	-	-	-	
	Group Care Home	P	P	C	P	P	P	-	-	-	-	-	-	
	Group Home	P	P	P	P	P	P	-	-	P	-	-	-	
	Hospice	-	P	P	P	P	-	-	-	P	-	-	-	
	Life Care Facility	-	P	P	P	P	-	-	-	P	-	-	-	
	Monasteries	P	C	C	C	P	-	-	-	-	-	-	-	
	Nursing Homes	-	P	P	P	P	-	P	P	P	-	-	-	
	Retirement Homes	-	P	P	P	P	-	P	P	P	-	-	-	
	Seminaries	P	C	C	C	C	-	-	-	-	-	-	-	
	Transitional housing	P	P	P	P	P	-	-	-	P	-	-	-	
Community Services/ Civic Uses	Animal shelters	P	-	-	-	-	-	C	-	C	-	-	-	
	Cemetery	P	C	C	C	C	-	-	P	-	-	-	-	
	Churches, synagogues, temples & similar	P	P	P	P	P	-	P	C	P	-	-	-	
	Church, Storefront	-	-	-	-	-	-	C	C	C	-	-	-	
	Community centers & buildings	P	P	P	P	P	-	P	P	P	-	-	-	
	Fire and Rescue facilities	P	P	P	P	P	P	P	P	P	P	P	P	
	Fraternal Organization	C	C	C	C	C	-	P	P	P	-	-	-	
	Governmental offices and uses	P	P	P	P	P	-	P	P	P	P	P	-	
	Law enforcement centers	P	P	P	P	P	P	P	P	P	P	P	P	
	Public Libraries and museums	P	P	P	P	P	P	P	P	P	-	-	-	

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Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	
	Philanthropic Organizations	C	C	C	C	C	-	P	P	P	-	-	-	
	Museums	P	P	P	P	P	P	P	P	P	P	P	P	
	Planetariums	P	P	P	P	P	P	P	P	P	-	-	-	
	Senior citizen centers	C	C	C	C	C	-	P	P	P	-	-	-	
Treatment, Rehabilitation, Incarceration Facilities	Community correction centers	C	-	-	-	-	-	-	-	-	-	-	-	
	Drug & alcohol rehabilitation centers	C	-	-	-	-	-	-	-	-	-	-	-	
	Halfway houses	C	C	C	C	C	C	-	-	-	-	-	-	
	Public Detention Center	C	-	-	-	-	-	P	P	P	P	P	P	
	Juvenile Detention Center	C	-	-	-	-	-	P	P	P	P	P	P	
	Private Prisons	C	-	-	-	-	-	C	C	C	C	C	C	
	Public Prisons	C	-	-	-	-	-	C	C	C	C	C	C	
Day-Care, Public & Private Schools	Adult day-care home	P	C	P	P	P	-	P	-	P	-	-	-	
	Child Care Center	-	C	C	C	C	-	P	P	P	C	C	-	
	Child Care Home	P	P	P	P	C	P	-	-	-	-	-	-	
	Colleges and Universities	P	C	C	C	C	-	C	C	C	-	-	-	
	Day care centers	-	C	C	C	C	-	P	P	P	C	C	-	
	Preschools	P	P	C	C	C	-	C	C	C	-	-	-	
	Public & private schools (K-12)	P	P	C	C	C	-	C	C	C	-	-	-	
	Trade, career & technical schools	P	C	C	C	C	-	C	C	C	C	C	-	
Public Parks & Open Space	Arboretums	P	P	P	P	P	P	-	-	-	-	-	-	
	Athletic fields	C	C	C	C	C	C	-	-	P	-	-	-	
	Campground	C	-	-	-	-	-	-	-	C	-	-	-	
	Nature centers	C	-	-	-	-	-	-	-	-	-	-	-	
	Parks, trails, picnic areas, & playgrounds	P	P	P	P	P	P	P	P	P	-	-	-	
	Public pools and/or water parks	P	P	P	P	P	P	P	P	P	-	-	-	

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Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	
Public/Private Utilities & Communication Services	Natural gas exploration and pumping	C	-	-	-	-	-	-	-	-	-	C	-	
	Natural gas depots	C	-	-	-	-	-	-	-	-	-	C	-	
	Private Wells	P	-	-	-	-	-	-	-	-	C	C	-	
	Wind Energy Conversion Sys. – Commercial/Utility Grade	C	-	-	-	-	-	-	-	-	-	C	-	See Section 2.2.4.6
	Public works facilities incl. storage/maintenance areas	P	-	-	-	-	-	P	P	P	P	P	-	
	Wireless telecommunication facilities sys. - new tower	C	-	-	-	-	-	C	C	C	C	C	C	See Section 2.2.4.2
	Wireless telecommunication facilities sys. - collocated	P	-	-	-	-	-	P	P	P	P	P	P	See Section 2.2.4.2
	Radio and tower transmitter (Shortwave and Ham operations)	C	C	C	C	C	C	C	C	C	C	C	C	See Section 2.2.4.16
Animal Care	Animal Shelter	P	-	-	-	-	-	C	-	C	P	P	P	
	Kennel boarding	P	-	-	-	-	-	C	-	C	P	P	-	
	Kennel, commercial	P	-	-	-	-	-	C	-	C	P	P	C	
	Kennel, private	P	C	C	C	C	C	-	-	-	-	-	-	
	Pet cemetery	C	-	-	-	-	-	-	-	-	-	-	-	
	Pet crematorium	C	-	-	-	-	-	-	-	-	C	C	C	
	Pet grooming, Pet training	P	-	-	-	-	-	P	P	P	-	-	-	
	Animal hospital	P	-	-	-	-	-	P	P	P	P	P	P	
Business and Household Services	Building maintenance & cleaning services	-	-	-	-	-	-	P	P	P	P	P	P	
	Copying, printing, mailing, & packaging services	-	-	-	-	-	-	P	P	P	P	P	P	
	Lawn, garden & yard maintenance services	-	-	-	-	-	-	P	P	P	P	P	P	
	Locksmiths and key duplication	-	-	-	-	-	-	P	P	P	P	P	P	
	Pest control services	-	-	-	-	-	-	C	C	C	C	P	C	
	Small appliances & household equipment repair	-	-	-	-	-	-	P	P	P	P	P	-	
	Well drilling/septic tank cleaning	C	-	-	-	-	-	C	-	P	P	P	-	
Financial Services	Banks	-	-	-	-	-	-	P	P	P	-	-	-	
	Automatic Teller Machine (ATM)	-	-	-	-	-	-	P	P	P	-	-	-	
	Brokerages	-	-	-	-	-	-	P	P	P	-	-	-	
	Credit Unions	-	-	-	-	-	-	P	P	P	-	-	-	
	Insurance offices	-	-	-	-	C	-	P	P	P	-	-	-	
	Financial advisory services	-	-	-	-	C	-	P	P	P	-	-	-	
	Specialty loan services	-	-	-	-	-	-	P	P	P	-	-	-	

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Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	
Food And Beverage Services	Banquet/reception facility	C	-	-	-	-	-	C	C	C	-	-	-	
	Brew-on Premises Store	-	-	-	-	-	-	P	P	P	-	-	-	
	Brewery	C	-	-	-	-	-	C	C	C	C	C	-	
	Craft Brewery (Commercial)	C	-	-	-	-	-	C	C	C	C	C	-	
	Catering service	C	-	-	-	-	-	P	P	P	C	C	-	
	Donut and pastry shops	-	-	-	-	-	-	P	P	P	-	-	-	
	Mobile Food Units	T	-	-	-	-	-	T	T	T	T	T	-	See Section 2.2.4.15
	Restaurants	C	-	-	-	-	-	P	P	P	-	-	-	
	Roadside produce stands	T	-	-	-	-	-	T	T	T	T	T	T	
	Sidewalk Café	-	-	-	-	-	-	P	P	P	-	-	-	
	Tavern or bar	-	-	-	-	-	-	P	P	P	-	-	-	
	Coffee houses, coffee shops	-	-	-	-	-	-	P	P	P	-	-	-	
	Brew pub	-	-	-	-	-	-	P	P	P	-	-	-	
	Micro-brewery (Commercial)	-	-	-	-	-	-	P	P	P	P	P	-	
	Coffee kiosks	-	-	-	-	-	-	P	P	P	-	-	-	
General Commercial	Antiques and collectables shop	-	-	-	-	-	-	P	P	P	-	-	P	
	Art galleries	-	-	-	-	C	-	P	P	P	-	-	P	
	Artisan production shop	-	-	-	-	C	-	P	P	P	-	-	P	
	Artist Studio	-	-	-	-	C	-	P	P	P	-	-	P	
	Bridal sales & services	-	-	-	-	C	-	P	P	P	-	-	P	
	Clothing & accessories	-	-	-	-	C	-	P	P	P	-	-	P	
	Computer hardware/software sales	-	-	-	-	C	-	P	P	P	-	-	P	
	Dance studios & schools	-	-	-	-	C	-	P	P	P	-	-	P	
	Electronic/appliance sales & service	-	-	-	-	-	-	P	P	P	-	-	P	
	Equipment sales/storage/rental	-	-	-	-	-	-	P	P	P	-	-	P	
	Equipment repairs services	-	-	-	-	-	-	P	P	P	-	-	P	
	Fabric and sewing supply stores	-	-	-	-	-	-	P	P	P	-	-	P	
	Farmer's Market	-	-	-	-	-	-	P	P	P	-	-	P	
	Firearms and ammunition sales	-	-	-	-	-	-	C	C	C	C	C	C	
	Florists	-	-	-	-	-	-	P	P	P	-	-	P	
	Food store (specialty) including bakeries, meat lockers, butchers, delicatessen, not a full-service grocery	-	-	-	-	-	-	P	P	P	-	-	P	
	Funeral homes and mortuaries, including crematoriums	-	-	C	C	C	-	P	C	P	P	P	P	
	Garden center	-	-	-	-	-	-	P	P	P	-	-	-	
	Gift store	-	-	-	-	-	-	P	P	P	-	-	-	

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Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	
	Grocery	-	-	-	-	-	-	P	P	P	-	-	-	
	Hardware store	-	-	-	-	-	-	P	P	P	-	-	-	
	Heating and cooling sales and services	-	-	-	-	-	-	P	P	P	-	-	-	
	Lawn and garden equipment sales and service	-	-	-	-	-	-	P	P	P	-	-	P	
	Photographic equipment & supplies	-	-	-	-	C	-	P	P	P	-	-	-	
	Pottery store	-	-	-	-	C	-	P	P	P	-	-	-	
	Religious book, card and articles stores	-	-	-	-	C	-	P	P	P	-	-	-	
	Secondhand store, thrift or consignment store	-	-	-	-	C	-	P	P	P	-	-	-	
	Self-services laundry and Laundromat	-	-	-	-	-	-	P	C	P	-	-	-	
	Tanning Studio	-	-	-	-	-	-	P	P	P	-	-	-	
	Taxidermy Services	P	-	-	-	-	-	P	C	P	-	-	-	
Special Commercial	Billiard halls	-	-	-	-	-	-	P	P	P	-	-	-	
	Commercial greenhouses	C	-	-	-	-	-	P	P	P	P	P	P	
	Business Center	-	-	-	-	-	-	P	P	P	-	-	-	
	Concrete and cinder block sales	-	-	-	-	-	-	P	-	P	P	P	-	
	Convenience store	-	-	-	-	-	-	P	P	P	-	-	P	
	Gasoline filling stations, including Self-Service	-	-	-	-	-	-	C	-	C	-	-	P	
	Liquor stores/sales	-	-	-	-	-	-	P	P	P	-	-	C	
	Monument sales	-	-	-	-	-	-	P	P	P	-	-	P	
	Motels and hotels	-	-	-	-	-	-	P	P	P	-	-	P	
	Nurseries, retail sales	-	-	-	-	-	-	P	C	P	-	-	P	
	Piercing Studio	-	-	-	-	-	-	P	P	P	-	-	P	
	Tattoo Parlor	-	-	-	-	-	-	P	P	P	-	-	P	
	Short-term Rentals	P	P	P	P	P	P	P	P	P	-	-	-	
Medical Uses	Acupuncture offices	-	-	-	-	C	-	P	P	P	-	-	P	
	Chiropractor offices	-	-	-	-	C	-	P	P	P	-	-	P	
	Dental offices incl. orthodontics	-	-	-	-	C	-	P	P	P	-	-	P	
	Massage therapy	-	-	-	-	C	-	P	P	P	-	-	P	
	Medical offices	-	-	-	-	C	-	P	P	P	-	-	P	
	Optical sales & services	-	-	-	-	C	-	P	P	P	-	-	P	
	Laser Treatment	-	-	-	-	C	-	P	P	P	-	-	P	
	Rehabilitation facilities including out-patient services	-	-	-	-	-	-	P	P	P	-	-	P	

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Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	
Office Uses	Accountant and investment counseling	-	-	-	-	C	-	P	P	P	-	-	P	
	Business offices	-	-	-	-	C	-	P	P	P	-	-	P	
	Consultant offices	-	-	-	-	C	-	P	P	P	-	-	P	
	Lawyer/Attorney offices	-	-	-	-	C	-	P	P	P	-	-	P	
	Photographic studios	-	-	-	-	C	-	P	P	P	-	-	P	
	Real Estate offices	-	-	-	-	C	-	P	P	P	-	-	P	
	Utility and telephone company offices	P	-	-	-	-	-	P	P	P	-	-	P	
Recreational Commercial	Bowling alley	-	-	-	-	-	-	P	P	P	-	-	P	
	Commercial stables	C	-	-	-	-	-	-	-	-	-	-	-	
	Golf courses, public & private	P	P	P	P	-	-	-	-	P	-	-	P	
	Golf driving ranges	P	-	-	-	-	-	-	-	P	-	-	-	
	Gun clubs	C	-	-	-	-	-	-	-	-	C	C	C	
	Miniature golf courses	-	P	-	-	-	-	P	P	P	-	-	P	
	Paintball Course	C	-	-	-	-	-	-	-	C	C	C	-	
	Recreational facility, Indoor	P	-	-	-	-	-	P	C	P	-	-	P	
	Recreational facility, outdoor	C	-	-	-	-	-	C	-	C	C	C	C	
	Recreational vehicle (RV) Park	C	-	-	-	-	-	-	-	C	-	-	-	
	Riding Academies	C	-	-	-	-	-	-	-	-	-	-	-	
	Amusement arcade	-	-	-	-	-	-	P	P	P	-	-	P	
Auto Services/ Commercial	Auto body repair	-	-	-	-	-	-	P	C	P	-	-	P	See Section 2.2.4.10
	Automotive/machinery repair shop	-	-	-	-	-	-	P	C	P	-	-	P	See Section 2.2.4.10
	Automobile/truck sales, rental & leasing	-	-	-	-	-	-	P	C	P	-	-	P	See Section 2.2.4.10
	Automobile/truck washes, self-services or automatic	-	-	-	-	-	-	-	-	P	-	-	P	See Section 2.2.4.10
	Motor home dealers	-	-	-	-	-	-	P	-	P	-	-	P	See Section 2.2.4.11
	Motorcycle dealers, incl. moped and scooters	-	-	-	-	-	-	P	-	P	-	-	P	See Section 2.2.4.11
	Muffler sales & services	-	-	-	-	-	-	P	-	P	-	-	P	See Section 2.2.4.10
	Recreational vehicle sales & rentals	-	-	-	-	-	-	P	-	P	-	-	P	See Section 2.2.4.11
	Transmission repair shops	-	-	-	-	-	-	P	-	P	-	-	P	See Section 2.2.4.10
	Travel trailer dealers	-	-	-	-	-	-	P	-	P	-	-	P	See Section 2.2.4.11
	Vehicle Storage incl. trailers, RV, & boat storage	-	-	-	-	-	-	-	-	C	-	-	P	

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Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	
Adult Uses	Adult Entertainment	-	-	-	-	-	-	-	-	P	P	P	P	See Section 2.2.4.18
Warehousing & Storage	Mini-warehouses & self-service storage	C	-	-	-	-	-	-	-	C	C	C	C	See Section 2.2.4.9
	Motor Freight Terminals	C	-	-	-	-	-	-	-	C	C	C	C	
	Outdoor Storage	C	-	-	-	-	-	-	-	C	P	P	P	
	Outdoor Storage Containers	P	-	-	-	-	-	-	-	-	P	P	P	See Section 2.2.4.14
	Portable On-demand storage facilities	T	T	T	T	T	T	T	T	T	T	T	T	See Section 2.2.4.14
	Warehouse and distribution	C	-	-	-	-	-	-	-	C	C	C	P	
	Warehousing (enclosed)	C	-	-	-	-	-	-	-	C	C	C	P	
	Warehousing (Open)	C	-	-	-	-	-	-	-	-	P	P	C	
	Wholesale business and storage	C	-	-	-	-	-	-	-	C	P	P	P	
Contractors, Contractor Yards, Storage & Supply	Bulk materials or machinery storage (fully enclosed)	-	-	-	-	-	-	-	-	-	P	P	P	
	Carpenters	-	-	-	-	-	-	P	-	P	-	-	P	
	Carpet & rug cleaning plants	-	-	-	-	-	-	-	-	-	-	P	-	
	Construction batch plants	C	-	-	-	-	-	-	-	C	C	P	C	
	Construction yards incl. offices & equipment storage yards excl. heavy machinery	P	-	-	-	-	-	P	-	P	C	P	C	
	Electricians	-	-	-	-	-	-	P	-	P	P	P	P	
	Heating & ventilating contractors	-	-	-	-	-	-	P	-	P	P	P	P	
	Masons & bricklayers	-	-	-	-	-	-	P	-	P	P	P	P	
	Plumbers	-	-	-	-	-	-	P	-	P	P	P	P	
	Trade shops (incl. cabinet makers)	-	-	-	-	-	-	P	-	P	P	P	P	
	Concrete block manufacturing	-	-	-	-	-	-	-	-	-	P	P	P	
	Concrete products	-	-	-	-	-	-	-	-	-	P	P	P	
	Heavy construction companies	-	-	-	-	-	-	-	-	-	P	P	C	
	Manufactured housing fabrication	-	-	-	-	-	-	-	-	C	P	P	C	
	Prefabricated buildings & components manufacturing	-	-	-	-	-	-	-	-	C	P	P	C	

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Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	
Food Processing	Bakery Products Manufacturing	-	-	-	-	-	-	-	-	-	P	P	C	
	Beverage Blending and Bottling (Except Breweries)	-	-	-	-	-	-	-	-	-	P	P	C	
	Coffee, Tea and Spice Processing and Packaging	-	-	-	-	-	-	-	-	-	P	P	C	
	Creamery and Dairy Operations	C	-	-	-	-	-	-	-	-	P	P	C	
	Dairy Products Manufacturing	C	-	-	-	-	-	-	-	-	P	P	C	
	Egg Processing Plants	C	-	-	-	-	-	-	-	-	P	-	C	
Mining & Excavation	Brick, firebrick, and clay products manufacturing	C	-	-	-	-	-	-	-	-	P	P	C	
	Monument & architectural stone manufacturing	C	-	-	-	-	-	-	-	-	P	P	C	
	Quarry/Sand and Gravel Extraction	C	-	-	-	-	-	-	-	-	P	-	C	
Metal Processing, Stamping	Culvert manufacturing	-	-	-	-	-	-	-	-	-	P	P	C	
	Welding	-	-	-	-	-	-	-	-	-	P	P	P	
	Wire Rope and Cable Manufacturing	-	-	-	-	-	-	-	-	-	P	P	C	
Waste Handling	Landfill, Construction Material	-	-	-	-	-	-	-	-	-	-	-	-	
	Landfill, Solid Waste	-	-	-	-	-	-	-	-	-	-	-	-	
	Recycling Center	C	-	-	-	-	-	-	-	-	C	C	C	
	Recycling Processing	C	-	-	-	-	-	-	-	-	-	C	-	
	Sanitary Transfer Station	C	-	-	-	-	-	-	-	-	C	C	-	
Wood Products Manufacturing	Basket & hamper (wood, reed, rattan, etc.) manufacturing	-	-	-	-	-	-	-	-	-	P	P	-	
	Millwork manufacturing	-	-	-	-	-	-	-	-	-	P	P	-	
	Electronics manufacturing	-	-	-	-	-	-	-	-	-	P	P	-	
	Machinery manufacturing	-	-	-	-	-	-	-	-	-	P	P	-	
	Musical instruments manufacturing	-	-	-	-	-	-	-	-	-	P	P	-	
	Tool, die, gauge and machine shops	-	-	-	-	-	-	-	-	-	P	P	-	
	Wind turbine manufacturing	-	-	-	-	-	-	-	-	-	C	C	-	

Section 2: Land Use Regulations

P = Permitted C = Conditional Use Permit T = Temporary E = Exempt and Outright Allowed "-" = not permitted *1 = Floodplain regulations shall be met		UA – Urban Agricultural District R-1 – Low Density Residential District R-2 – Medium Density Residential District R-3 – High Density Residential District R-4 – Residential/Office Transitional							B-1 – General Commercial and Service District B-2 – Downtown Commercial B-3 – Highway Commercial District M-1 – Light Manufacturing District M-2 – General Industrial District F-1 – Flex Development District					Additional Requirements
Use Category	Use Type	UA	R-1	R-2	R-3	R-4	RM	B-1	B-2	B-3	M-1	M-2	F-1	
General Manufacturing (High Hazard)	Bio-Fuels Manufacturing, including Ethanol production	C	-	-	-	-	-	-	-	-	-	C	-	
	Grain Elevator and Storage Facilities	C	-	-	-	-	-	-	-	-	C	C	-	
	Salvage Operations	-	-	-	-	-	-	-	-	-	C	C	-	
	Scrap or Salvage Yards	-	-	-	-	-	-	-	-	-	C	C	-	See Sections 2.2.4.13
	Waste Recovery Facilities – Commercial, Industrial & Residential	-	-	-	-	-	-	-	-	-	C	C	-	See Sections 2.2.4.13
	Wood Preserving Treatment	-	-	-	-	-	-	-	-	-	C	C	-	
Accessory Uses	Accessory dwelling units	P	C	C	C	C	C	C	C	C	-	-	-	See Section 2.2.4.20
	Barns	P	-	-	-	-	-	-	-	-	-	-	-	
	Bins, silos, grain storage	P	-	-	-	-	-	-	-	-	-	-	-	
	Decks, gazebos, patios (elevated or on-grade)	P	P	P	P	P	P	-	-	-	-	-	-	
	Fences	P	P	P	P	P	P	P	P	P	P	P	P	
	Freestanding canopy	-	-	-	-	-	-	-	P	P	P	P	P	See Section 1.6.13
	Fuel storage	T	T	T	T	T	T	T	T	T	T	T	T	
	Fuel tanks and dispensing equipment	P	-	-	-	-	-	C	C	C	P	P	C	
	Garages, Private	P	P	-	-	-	P	P	P	P	P	P	P	See Section 1.6.13
	Garage, Storage	C	C	C	C	C	C	C	C	C	C	C	C	See Section 1.6.13
	Carports	P	P	P	P	P	P	P	P	P	P	P	P	See Section 1.6.13
	Greenhouses, Non-commercial	-	P	P	P	P	P	-	-	-	-	-	-	
	Home based Businesses	P	P	P	P	P	P	P	P	P	P	P	P	See Section 2.2.4.1
	Portable on-demand storage containers	T	T	T	T	T	T	T	T	T	T	T	T	
	Porch, unenclosed	P	P	P	P	P	P	P	P	P	P	P	P	
	Storage sheds	P	P	P	P	P	P	P	P	P	P	P	P	See Section 1.6.13
	Storage building using multiple storage containers	C	-	-	-	-	-	C	C	C	P	P	P	
	Swimming pools	P	P	P	P	P	P	-	-	-	-	-	-	
	Tennis courts	P	P	P	P	P	P	-	-	-	-	-	-	
	Tree House, habitable as defined under Dwelling Unit, Special Types	C	C	C	C	C	C	-	-	-	-	-	-	
	Solar energy systems for use on individual properties or buildings	C	C	C	C	C	C	C	C	P	P	P	P	
	Temporary Use of a dwelling structure within a subdivision as a job office	C	C	C	C	C	C	-	-	-	-	-	-	
	Seasonal Roadside Stand for display and sale of agricultural products on the property	P	-	-	-	-	-	-	-	-	-	-	-	

Section 2.1.7 UA – Urban Agricultural District**UA****2.1.7.1 Intent Statement**

The "UA" District is intended and designed to preserve or encourage continuation of agricultural uses, to encourage urban development occur contiguous to existing developed areas and to prevent premature urban development not adequately served by public facilities and/or services.

2.1.7.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the UA District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.7.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.7.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.7.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

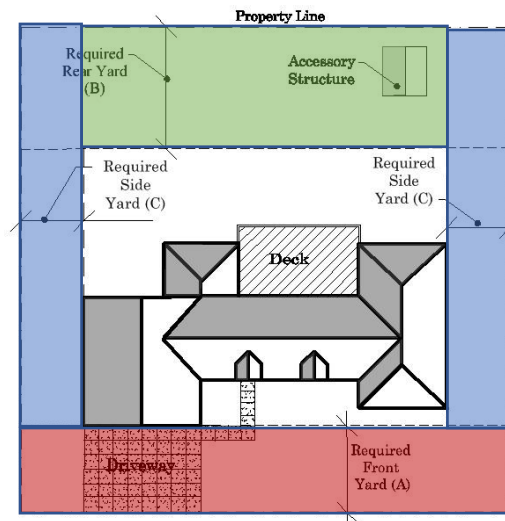
2.1.7.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Farm dwellings	10	600	50	50	50	35	3	-
Other permitted uses	-	-	50	50	50	35	3	-
Agricultural structures	-	-	50	50	50	-	-	-
Accessory uses	-	-	10	10	10	25	2	-

2.1.7.7 Other Applicable Provisions:

1. The following uses shall be a minimum of 2,640 feet from any residential, commercial, industrial, or public use, as measured from the nearest point on the lot line.
 - a. Commercial auction yards or barns.
 - b. Commercial production and husbandry of poultry, fish, and small animals.
 - c. Feed mills.
 - d. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
 - e. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.



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Section 2.1.8 R-1 – Low Density Residential District

R-1

2.1.8.1 Intent Statement

The R-1 District is intended and designed to provide for certain low-density residential areas now developed with single-family dwellings and areas where similar residential development is designated in the Comprehensive Plan to occur.

3.1.8.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the US District, said uses shall require a Permit issued by the Zoning Administrator.

3.1.8.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

3.1.8.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

3.1.8.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

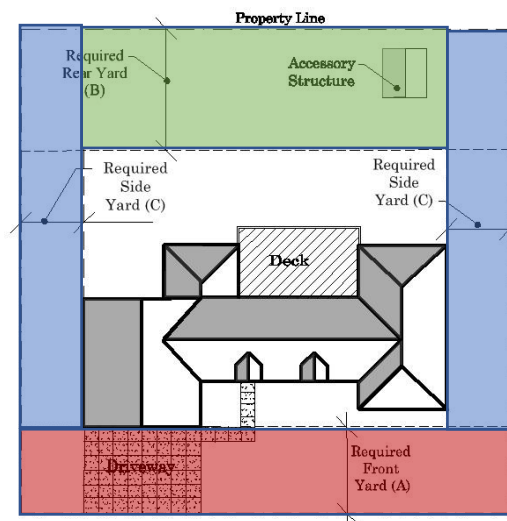
3.1.8.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet) (2)	B Rear Yard (feet) (1)	C Side Yard (feet)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Permitted Uses	9,000	75	30	40	10	35	3	40%
Conditional Uses	9,000	75	30	40	10	35	3	40%
Semi-detached dwelling	5,000	40	30	40	10	35	3	40%
Two-family dwelling	10,000	80	30	40	10	35	3	40%
Redevelopment area	7,500	60	25	30	8	35	3	40%
Churches and schools	9,000	75	30	40	40	35	3	40%
Accessory uses	-	-	30	10	10	25	2	15%

(1) See Section 1.6.15.

(2) On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing single-family structures, two family structures and multiple family structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.



Section 2.1.9 R-2 – Medium Density Residential District**R-2****2.1.9.1 Intent Statement**

The purpose of the Medium Density Residential District is to permit single-family residences at a medium density with an increase of density to include duplexes and similar residential found in the "Missing Middle" development concept in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

2.1.9.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the R-2 District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.9.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.9.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.9.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.9.6 Bulk Requirements

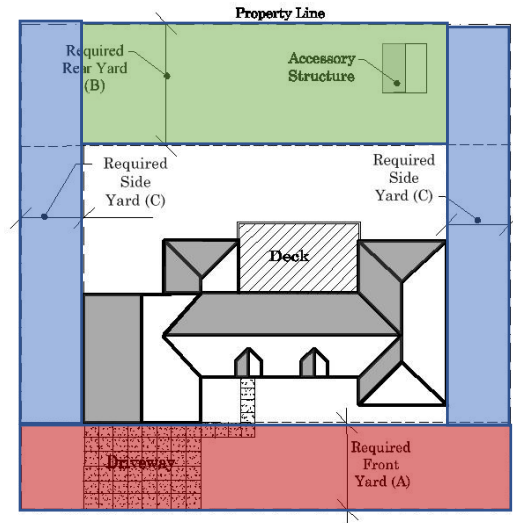
The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet) (4)	B Rear Yard (feet) (3)	C Side Yard (feet)	Max. Height (feet)			Max. number of stories	Max. Building Coverage (%)
Single-family	7,500	60	25	30	8	35			3	40%
Semi-attached, Townhouses dwelling (6)	2,000	20	25	30	8 (1)	35			3	-
Two-family dwelling	8,000	60	25	30	8	35			3	40%
Multi-family	10,000	100	25	30	8	35			3	50%
Cottage courts (2)										50%
Conditional Uses	7,500		60		25	30	8	35	3	50%
Redevelopment area	7,500		60		25	30	8	35	3	50%
Other Permitted Uses	10,000		100		25	30	8	35	3	50%
Accessory uses	-		-		30	10	10	25	2	15%

(1) The side yard setback is 0 feet where there is a shared lot line/common wall.

Section 2: Land Use Regulations

- (2) Cottage courts can be developed at a density of three duplex units on one lot or as a condominium project. In all cases, the development must consist of an equal amount of open space as the overall building footprints including attached or detached garages.
- (3) See Section 1.16.15
- (4) On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing single-family structures, two family structures and multiple family structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- (6) All interior units may be a minimum of 20 feet wide per unit; while, all exterior units shall have a minimum of 30 feet of width per unit.



2.1.9.7 Supplemental Residential Regulations

1. Single-family Attached/Townhouses
 - A. Common wall shall have a zero-lot line setback and be located on the property line separating both dwellings.
 - B. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - C. Each unit shall be serviced by separate facilities.
 - D. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - E. No more than three units shall be connected in this district.

Section 2.1.10 R-3 – High Density Residential District**R-3****2.1.10.1 Intent Statement**

The purpose of the High-Density Residential District is to permit all types of residential uses. In addition, this area should allow said residential use on smaller lots.

2.1.10.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the R-3 District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.10.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.10.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.10.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.10.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet) (5)	B Rear Yard (feet) (4)	C Side Yard (feet)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Single-family	7,500	50	25	25	8	35	3	50%
Semi-attached, Townhouses dwelling (6)	2,000	20	25	25	8 (1)	35	3	-
Two-family dwelling	8,000	50	25	25	8	35	3	50%
Multi-family	10,000	80	25	25	8	35	3	50%
Stacked Duplexes	7,500	50	25	25	8	35	3	50%
Cottage Courts (2)	10,000	100	25	25	8	35	3	50%
Courtyard Multi-family Structures (3)	10,000	100	25	25	8	35	3	50%
Conditional Uses	7,500	50	25	25	8	35	3	50%
Redevelopment area	7,500	50	25	25	8	35	3	50%
Other Permitted Uses	7,500	50	25	25	8	35	3	50%
Accessory uses	-	-	25	10	10	25	2	15%

(1) the side yard setback is 0 feet where there is a shared lot line/common wall.

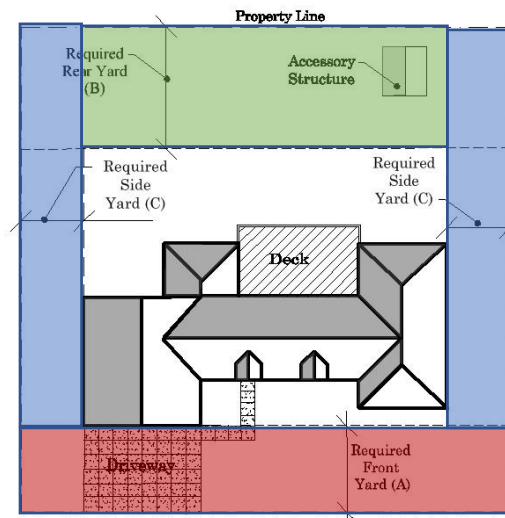
(2) Cottage courts can be developed at a density of four duplex units on one lot or as a condominium project. In all cases, the development must consist of an equal amount of open space as the overall building footprints including attached or detached garages.

(3) Courtyard multi-family structures shall contain either an inner court or outer court with visual access from at least 50% of the apartments.

(4) See Section 1.6.15

(5) On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing single-family structures, two family structures and multiple family structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

(6) All interior units may be a minimum of 20 feet wide per unit; while all exterior units shall have a minimum of 30 feet of width per unit.



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2.1.10.7 Supplemental Residential Regulations

1. Single-family Attached/Townhouses
 - A. Common wall shall have a zero-lot line setback and be located on the property line separating both dwellings.
 - B. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - C. Each unit shall be serviced by separate facilities.
 - D. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - E. No more than six units shall be connected in this district.

Section 2.1.11 R-4 – Residential/Office Transitional District**R-4****2.1.11.1 Intent Statement**

The Residential/Office Transitional District is intended to provide an area within the community where existing residential uses can continue to exist, while allowing for expansion of professional office and/or business uses into the district. The structures in this area should continue as residential in character, including any new construction.

2.1.11.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the US District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.11.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.11.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.11.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.11.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet) (5)	B Rear Yard (feet) (4)	C Side Yard (feet)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Single-family	7,500	50	25	25	8	35	3	50%
Semi-attached, Townhouses dwelling (6)	2,000	20	25	25	8 (1)	35	3	-
Two-family dwelling	8,000	50	25	25	8	35	3	50%
Multi-family	10,000	80	25	25	8	35	3	50%
Stacked Duplexes	7,500	50	25	25	8	35	3	50%
Cottage Courts (2)	10,000	100	25	25	8	35	3	50%
Courtyard Multi-family Structures (3)	10,000	100	25	25	8	35	3	50%
Conditional Uses	7,500	50	25	25	8	35	3	50%
Redevelopment area	7,500	50	25	25	8	35	3	50%
Other Permitted Uses	7,500	50	25	25	8	35	3	50%
Accessory uses	-	-	25	10	10	25	2	15%

(1) the side yard setback is 0 feet where there is a shared lot line/common wall.

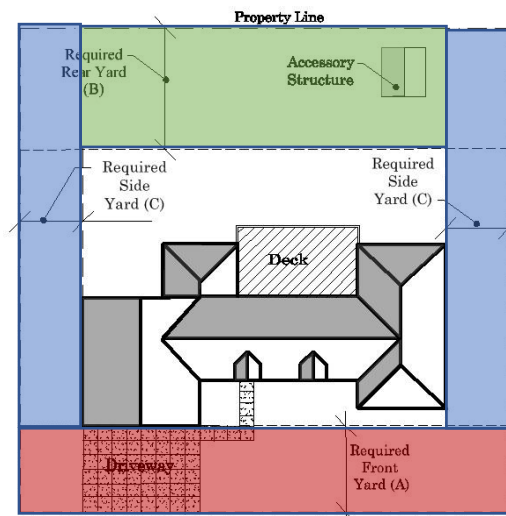
(2) Cottage courts can be developed at a density of four duplex units on one lot or as a condominium project. In all cases, the development must consist of an equal amount of open space as the overall building footprints including attached or detached garages.

(3) Courtyard multi-family structures shall contain either an inner court or outer court with visual access from at least 50% of the apartments.

(4) See Section 1.6.15

(5) On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing single-family structures, two family structures and multiple family structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

(6) All interior units may be a minimum of 20 feet wide per unit; while all exterior units shall have a minimum of 30 feet of width per unit.



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2.1.11.7 Supplemental Residential Regulations

1. Single-family Attached/Townhouses
 - A. Common wall shall have a zero-lot line setback and be located on the property line separating both dwellings.
 - B. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - C. Each unit shall be serviced by separate facilities.
 - D. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - E. No more than six units shall be connected in this district.

Section 2.1.12 RM Mobile Home Residential District**RM****2.1.12.1 Intent:**

This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

2.1.12.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the US District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.12.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.12.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.12.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.12.6 Special Design Criteria for this District

1. A mobile home development shall have a lot area of not less than five acres. No mobile homes or other structures shall be located less than 83 feet from the road centerline when contiguous to or having frontage to a County Road or 25 feet when contiguous from a State Highway. The setback on all other court property lines shall be 25 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single mobile home dwelling shall have an area of not less than 5,000 square feet, excluding road right-of-way, and a width of not less than 50 feet. Each individual lot shall have:
 - a. Side yard setback shall not be less than eight feet, except that on corner lots, the setback for all buildings shall be a minimum of 30 feet on the side abutting a street/road.
 - b. Front yard setback shall not be less than 30 feet.
 - c. Rear yard setback of not less than 25 feet.
3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
4. Height of buildings shall be:
 - a. Maximum height for principal uses shall be 35 feet.
 - b. Maximum height for accessory uses shall be 10 feet.
5. Each lot shall have access to a hard-surfaced drive not less than 22 feet in width, excluding parking.
6. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards for the City. The water supply shall be sufficient for domestic use and for fire protection.
7. Service buildings including adequate laundry and drying facilities. Common toilet facilities for mobile homes which do not have these facilities within each unit may be provided.
8. Storm shelters shall be required and shall meet the following criteria:
 - a. Shelter space equivalent to two persons per mobile home lot,
 - b. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,

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- c. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
- 9. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
- 10. Not less than 10 percent of the total court area shall be designated and used for park, playground and recreational purposes.
- 11. Each mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.
- 12. All trailers shall have skirting which is in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer.

2.1.12.7 Special Requirements

All lots must be platted in accordance with Section 3 of this Ordinance and shall also contain the following information:

- a. A complete plan of the mobile home development shall be submitted showing:
- b. A development plan and grading plan of the court.
- c. The area and dimensions of the tract of land.
- d. The number, location, and size of all mobile home spaces.
- e. The area and dimensions of the park, playground and recreation areas.
- f. The location and width of roadways and walkways.
- g. The location of service buildings and any other proposed structures.
- h. The location of water and sewer lines and sewage disposal facilities.
- i. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

Section 2.1.13 B-1 – General Business and Service District**B-1****2.1.13.1 Intent Statement**

The B-1 General Business and Service District is an area where basic commercial goods and services are provided. Accessory uses typically include off-street parking and site design.

2.1.13.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the US District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.13.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.13.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.13.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.13.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Permitted Uses	-	-	25 (1)	25 (2)	(3)	40	3	80%
Conditional Uses	-	-	25 (1)	25 (2)	(3)	40	3	80%
Accessory uses	-	-	25	5	5	25	2	-

- (1) On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing single-family structures, two family structures and multiple family structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- (2) When the B-1 District is adjacent to any Residential District then the Rear yard setback shall be increased to match the Rear Yard Setback of said adjoining residential district.
- (3) There is no minimum Side Yard Setback except when the B-1 District is adjacent to any Residential District then the Side Yard setback shall be increased to match the Side Yard Setback of said adjoining residential district.

2.1.13.7 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 2.2.4.3.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and/or District and so that no glare is visible to any traffic on any public street.
5. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

Section 2: Land Use Regulations

Section 2.1.14 B-2 – Downtown Business District

B-2

2.1.14.1 Intent Statement

The Downtown Business District is the tradition commercial core of a city. The typical uses found in this District are commercial goods and services. The Downtown Business District is typically a park and walk district where cars are typically found in on-street parking spaces and sometimes in public parking lots supporting the district.

2.1.14.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the US District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.14.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.14.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.14.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.14.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet) (1)	C Side Yard (feet) (2)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Permitted Uses	-	-	-	-	-	40	3	100%
Conditional Uses	-	-	-	-	-	40	3	100%
Accessory uses	-	-	-	-	-	30	2	-

- (1) When the B-1 District is adjacent to any Residential District then the Rear yard setback shall be increased to match the Rear Yard Setback of said adjoining residential district.
- (2) There is no minimum Side Yard Setback except when the B-2 District is adjacent to any Residential District then the Side Yard setback shall be increased to match the Side Yard Setback of said adjoining residential district.

2.1.14.7 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 2.2.4.3.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and/or District and so that no glare is visible to any traffic on any public street.
5. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

Section 2.1.15 B-3 – Highway Commercial District**B-3****2.1.15.1 Intent Statement**

This district is applied to parcels major highways and thoroughfares within Charles City. The district permits a mixture of uses. Uses will tend to serve the traveling public or larger commercial properties needing space for parking and turning.

2.1.15.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the US District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.15.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.15.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.15.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.15.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Permitted Uses	-	-	30	30	-	40	3	70%
Conditional Uses	-	-	30	30	-	40	3	70%
Accessory uses	-	-	-	-	-	30	2	-

2.1.15.7 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 2.2.4.3.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
7. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.
8. 35% of the required front yard shall be maintained in landscaping.
9. Lots along the highways shall be required to gain access through a paved service road.

Section 2: Land Use Regulations

Section 2.1.16 M-1 – Light Industrial District

M-1

2.1.16.1 Intent Statement

It is the intent of the Light Industrial District to provide standards for areas suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

2.1.16.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the US District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.16.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.16.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.16.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.16.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Permitted Uses	-	-	30	30	25	40	3	70%
Conditional Uses	-	-	30	30	25	40	3	70%
Accessory uses	-	-	-	-	-	30	2	-

2.1.16.7 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 2.2.4.3.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
4. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
5. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
6. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.
7. 35% of the required front yard shall be maintained in landscaping.

2.1.16.8 Performance Standards:

See Section 2.2.4.4 of the Supplemental Regulations.

Section 2.1.17 M-2 – General Industrial District**M-2****2.1.17.1 Intent Statement**

It is the intent of the General Industrial District to provide standards for areas suitable for some intense industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

2.1.17.2 Permitted Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the US District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.17.3 Conditional Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.17.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.17.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.17.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Permitted Uses	-	-	30	30	25	40	3	60%
Conditional Uses	-	-	30	30	25	40	3	60%
Accessory uses	-	-	-	-	-	30	2	-

2.1.17.7 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 2.2.4.3.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
4. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
5. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
6. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.
7. 35% of the required front yard shall be maintained in landscaping.

2.1.17.8 Performance Standards:

See Section 2.2.4.4 of the Supplemental Regulations.

Section 2: Land Use Regulations

Section 2.1.18 F-1 Flex District

F-1

2.1.18.1 Intent:

It is the intent of the Flex District Regulations to provide standards for area suitable for some limited industrial, commercial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties.

2.1.18.2 Permitted Uses:

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses Permitted in the US District, said uses shall require a Permit issued by the Zoning Administrator.

2.1.18.3 Conditional Uses:

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed through a Conditional Use Permit. Conditional use permits shall be approved by the Board of Adjustment.

2.1.18.4 Temporary Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed with a Temporary Use Permit issued by the Zoning Administrator.

2.1.18.5 Accessory Uses

Please see the Land Use Table in Section 2.1.6 of this Regulation for all uses allowed as an accessory use, said uses shall require a Permit issued by the Zoning Administrator.

2.1.18.6 Bulk Requirements

The maximum height and minimum lot requirements are as follows:

Use	Lot Area (Sq. ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. number of stories	Max. Building Coverage (%)
Permitted Uses	-	-	30	30	25	40	3	60%
Conditional Uses	-	-	30	30	25	40	3	60%
Accessory uses	-	-	-	-	-	30	2	-

2.1.18.7 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide permanent screen with a height of six feet or six feet four inches if a fence, in order to minimize impacts on residentially zoned property, pursuant to Section 2.2.4.3.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
4. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
5. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
6. Motor vehicle, boat, or trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.
7. 35% of the required front yard shall be maintained in landscaping.

Article 2.2: Overlay Districts**Section 2.2.1 Floodplain and Floodway Regulations****2.2.1.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE****1. Statutory Authorization**

The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, delegated the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact

- A. The flood hazard areas of Charles City are subject to periodic inundation which can result in loss of life and property and health; and, safety hazards, disruption of commerce and governmental services, extra-ordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the health, safety and general welfare of the community.
- B. These losses, hazards and related adverse effects are caused by (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flood and (ii) the cumulative effect of flood plain construction on flood flows, which causes increases in flood heights and flood water velocities.
- C. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare by minimizing those flood losses described in Section 2.2.1.1 (2) with provisions designed to:

- A. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- B. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- C. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.
- D. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

2.2.1.2 GENERAL PROVISIONS**1. Lands to which Ordinance Applies**

The provisions of this Ordinance shall apply to all lands within the jurisdiction of the City of Charles City shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe and General Floodplain Districts as established in Section 2.2.12 (2).

2. Establishment of Official Flood Plain Zoning Map

The Flood Insurance Rate Map (FIRM) for Floyd County and Incorporated Areas, City of Charles City, Panels 19067CO205E, 0210E, 0215D, 0220E, dated June 19th, 2020, which were prepared as part of the Flood Insurance Study for Floyd County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

3. Rules for Interpretation of District Boundaries

The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Ordinance.

4. Compliance

No structure or land shall hereafter be used, and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

5. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

6. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to meet minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Charles City or any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made there under.

8. Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.2.1.3 ADMINISTRATION

1. Appointment, Duties and Responsibilities of Zoning Administrator

- A. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - 1) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - 2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
 - 3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - 4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
 - 5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - 6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - 7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - 8) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the City Council of potential conflicts.
 - 9) Maintain the accuracy of the community's Flood Insurance Rate Maps when:

- i) Development placed within the Floodway (Overlay) District results in any of the following:
 - a) An increase in the Base Flood Elevations, or
 - b) Alteration to the floodway boundary
- ii) Development place in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
- iii) Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- 10) Perform site inspections to ensure compliance with the standards of this Ordinance.
- 11) Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

2. Appointment, Duties and Responsibilities of Zoning Administrator

- A. **Permit Required** - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, recreational vehicles, mining, filling, grading, paving, storage of materials or equipment, excavation or drilling operations), including the placement of factory-built homes.
- B. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - 1) Description of the work to be covered by the permit for which application is to be made.
 - 2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - 3) Location and dimensions of all buildings and building additions
 - 4) Indication of the use or occupancy for which the proposed work is intended.
 - 5) Elevation of the base flood.
 - 6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - 7) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - 8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- C. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons, therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.
- D. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

2.2.1.4 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS

The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

1. Floodway (Overlay) District (FW) — those areas identified as Floodway on the Official Flood Plain Zoning Map.
2. Floodway Fringe (Overlay) District (FF) - those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway, and;
3. General Floodplain (Overlay) District (GF) - those areas identified as Zone A on the Official Flood Plain Zoning Map

2.2.1.5 FLOODWAY (OVERLAY) DISTRICT (FW)**1. Permitted Development**

All development within the Floodway District shall be permitted to the extent it is not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

2. Performance Standards

All Floodway District uses allowed as Permitted shall meet the following standards.

- A. No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- B. All development within the Floodway District shall:
 - 1) Be consistent with the need to minimize flood damage.
 - 2) Use construction methods and practices that will minimize flood damage.
 - 3) Use construction materials and utility equipment that are resistant to flood damage.
- C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the mainstream, drainage ditch or any other drainage facility or system.
- D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

2.2.1.6 FLOODWAY FRINGE (OVERLAY) DISTRICT (FF)**1. Permitted Development**

All development within the Floodway Fringe District shall be permitted to the extent that it is not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

2. Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1)

foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

- A. All structures shall:
 - 1) Be designed and adequately anchored to prevent floatation, collapse or lateral movement.
- B. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

- C. Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.
- D. All new and substantially improved structures:
 - 1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage. Where the distance between the floor and ceiling of the fully enclosed area below the "lowest floor" is five (5) feet or more, the applicant shall be required to sign and record with the Floyd County Recorder a Non-Conversion Agreement that ensures the lower enclosed area remains compliant with the criteria outlined in 2.2.1.6(2)(D).

- 2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the

- structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 3) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.
 - 4) New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.
- E. Factory-built homes:
- 1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
 - 2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.
- F. Utility and Sanitary Systems:
- 1) On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - 2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
 - 3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
 - 4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- H. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
- I. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.
- J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots

(whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

- K. Accessory Structures to Residential Uses - Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.
 - 1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.
 - 2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - 3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - 4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
 - 5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - 6) The structure's walls shall include openings that satisfy the provisions of Section 2.2.1.6 (2)(E) of this Ordinance.
- L. Recreational Vehicles
 - 1) Recreational vehicles are exempt from the requirements of Section 2.2.1.6 (2)(E) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - ii) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
 - 2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 2.2.1.6 (2)(E) of this Ordinance regarding anchoring and elevation of factory-built homes.
- M. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.
- N. Maximum Damage Potential Development - All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

2.2.1.7 GENERAL FLOODPLAIN (OVERLAY) DISTRICT (FP)

1. Permitted Development

- A. All development within the General Floodplain District shall be permitted to the extent it is not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.

- B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
 - 1) The bridge or culvert is located on a stream that drains less than two (2) square miles, and
 - 2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

2. Performance Standards

- A. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District Section 2.2.1.5.
- B. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District Section 2.2.1.6.

2.2.1.8 APPOINTMENT AND DUTIES OF BOARD OF ADJUSTMENT

- 1. Appointment and Duties of Board of Adjustment — A Board of Adjustment is hereby established which shall hear and decide (i) appeals and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
- 2. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- 3. Variance — The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.

- E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
4. Hearings and Decisions of the Board of Adjustment
 - A. Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - B. Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in this Section 2.2.18 (4)(B)(2).
 - 1) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
 - i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - ii) The danger that materials may be swept on to other land or downstream to the injury of others.
 - iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - v) The importance of the services provided by the proposed facility to the City.
 - vi) The requirements of the facility for a floodplain location.
 - vii) The availability of alternative locations not subject to flooding for the proposed use.
 - viii))The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - xii) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - xiii) Such other factors which are relevant to the purpose of this Ordinance.
 - 2) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
 - i) Modification of waste disposal and water supply facilities.
 - ii) Limitation of periods of use and operation.
 - iii) Imposition of operational controls, sureties, and deed restrictions.
 - iv) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

- v) Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- C. Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

2.2.1.9 NONCONFORMING USES

A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
3. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.
4. Except as provided in Section 2.2.1.9(1), any use which has been permitted as a Variance shall be considered a conforming use.

2.2.1.10 PENALTIES FOR VIOLATION

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$750.00. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City of Charles City from taking such other lawful action as is necessary to prevent or remedy violation.

2.2.1.11 AMENDMENTS

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

2.2.1.12 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

Appurtenant Structure: A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Base Flood: The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").

BASE FLOOD ELEVATION (BFE) - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

Basement: Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor".

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

Enclosed Area Below Lowest Floor: The floor of the lowest enclosed area in a building when all the following criteria are met:

1. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 2.2.1.6 (2)(D) of this Ordinance, and
2. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
4. The enclosed area is not a "basement" as defined in this section.

Existing Construction: Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

Existing Mobile Home Park Or Subdivision: A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

Expansion Of Existing Factory-Built Home Park Or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Factory-Built Home: Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

Factory-Built Home Park or subdivision: A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

Five Hundred (500) Year Flood: A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

Flood Insurance Rate Map: The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

Flood Plain: Any land area susceptible to being inundated by water as a result of a flood.

Flood Plain Management: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood-proofing and flood plain management regulations.

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

Floodway Fringe: Those portions of the Special Flood Hazard Area outside the floodway.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

Maximum Damage Potential Development: Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

Minor Projects: Small development activities (except for filling, grading and excavating) valued at less than \$500.

New Construction: (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

New Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be

affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

Recreational Vehicle: A vehicle which is:

1. Built on a single chassis.
2. Four hundred (400) square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as a temporary living quarter for recreational, camping, travel, or seasonal use.

Routine Maintenance Of Existing Buildings And Facilities: Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

1. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
2. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
3. Basement sealing;
4. Repairing or replacing damaged or broken window panes;
5. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

Special Flood Hazard Area (SFHA): The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, AI-30, AE, AH, AO, AR, and/or A99.

Start Of Construction: Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure: Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Variance: A grant of relief by a community from the terms of the floodplain management regulations.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

Section 2.2.2 Conservation and Open Space Overlay District**2.2.2.1 Intent Statement**

The Conservation and Open Space Overlay District is intended to preserve and protect the heavily wooded areas and the stream banks of the City of Charles City planning area from adverse future development. It is also intended that development of the floodplains be restricted to minimize the danger to life and property which results from development undertaken without full realization of such danger.

2.2.2.2 Permitted Uses

Only the use of structures or land listed in this section shall be permitted in the COS-Conservation and Open Space Overlay District.

1. Forests and forestry preserves.
2. Publicly owned parks, nature areas, playgrounds, golf courses and similar non-commercial recreational uses.
3. Any use erected or maintained by a public agency.
4. Any use allowed in an underlying district; provided, the use maintains a minimum of 25% of the existing tree cover on the property.

2.2.2.3 Conditional Uses

Any Conditional uses as authorized by the Board of Adjustment after public hearing; provided, the use maintains a minimum of 25% of the existing tree cover on the property.

2.2.2.4 Accessory Uses

Any accessory use as authorized by this Regulation; provided, the accessory use and principal use maintain a minimum of 25% of the existing tree cover on the property.

2.2.2.5 Bulk Requirements

The bulk requirements shall meet the requirements of the underlying district.

Section 2: Land Use Regulations

Section 2.2.3 Clustered/Mixed Use Development

2.2.3.1 Intent Statement

The Clustered/Mixed Use Development District (CMD) is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, while promoting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

When a CMD District is requested, it will require a change of zone with the CMD being attached to the underlying district. Once the rezoning is approved, the allowed uses and standards herein shall modify the minimum requirements of the underlying district.

2.2.3.2 Permitted Uses:

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

2.2.3.3 Conditional Uses:

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the CMD District as recommended by the Board of Adjustment.

2.2.3.4 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.23.

2.2.3.5 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

2.2.3.6 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)	Max. Impervious Coverage (%)
Single-family dwellings	4,000	40	(1)	(1)	(1)	35	(1)	(1)
Multi-family dwellings	1,500 per unit	60	(1)	(1)	(1)	45	(1)	(1)
Single-family attached/ Townhomes/condominiums	2,500 per unit	18	(1)	(1)	(1)	35	(1)	(1)
Permitted Uses	(1)	(1)	(1)	(1)	(1)	45	(1)	(1)
Conditional Uses	(1)	(1)	(1)	(1)	(1)	45	(1)	(1)
Accessory Structures	-	-	(1)	(1)	(1)	45	(1)	(1)

1. Lot and yard requirements are dependent upon the development and may vary depending upon areas conserved or special amenities being used or established and will be reviewed upon submittal of the Development Plan.

2.2.3.7 Supplemental Requirements:

1. The Planning and Zoning Commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a CMD plan approval, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.
 - A. Said CMD shall be in general conformity with the provisions of the Charles City Comprehensive Plan.
 - B. Said CMD shall not have a substantially adverse effect on the development of the neighboring area.
 - C. The minimum size allowed for a CMD District by type of use shall be as follows:
 - Residential (only), three acres.
 - Residential - Commercial (combination), five acres.
 - D. Height, bulk, and yard requirements shall be reflected on the Development Plan and shall promote an efficient and creative use of land.

2. Use Limitations:

In District CMD no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in this District. All uses must be approved as shown on the Development Plan as specified in this division.

3. Standards and conditions for development:

A development proposed for land classified as the CMD district shall be consistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the Development Plan shall, where applicable, reflect compliance.

- A. The applicant shall satisfy the Planning and Zoning Commission and City Council that there is the ability to carry out the proposed plan, including financial assurances and the phasing of the project, and shall prepare and submit a schedule of construction, if necessary. The proposed construction shall begin within a period of 12 months following the approval of the final application by the City Council. A minimum of 50% of the total planned construction shown on the final plan shall be completed within a period of five years following such approval or the approval shall expire. If the approval expires under this section, the applicant shall show good cause to the Planning and Zoning Commission to extend the plan approval.
- B. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the Development Plan and to protect the public interest in the event of abandonment of said plan before completion.
- C. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
- D. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
- E. The entire tract or parcel of land to be occupied by the CMD development shall be held in single ownership or control, or if there are two or more owners, the application for such CMD development shall be filed jointly by all owners. This provision may be waived provided that the land contains existing improvements.
- F. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a CMD development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved as shown on the Development Plan.
- G. Off-street parking and loading shall be provided in accordance with the parking and loading regulations of the City of Charles City.
- H. When a commercial use within a CMD District abuts a residential district, the Development Plan shall reflect screening consisting of landscaping and/or fencing provided adjacent to any adjoining residential district; except in the event the adjacent residential use and the commercial use are separated by a street right-of-way.
- I. All residential and commercial buildings shall set back not less than 25 feet from the perimeter of the land zoned CMD. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning and Zoning Commission for protection of health, safety, and general welfare.
- J. Building coverage area shall not exceed the following percentages of the net developable area of each individual parcel of the total development:
 - Single-family Residential: 60% maximum;
 - Strip/Big Box Commercial: 50% maximum;
 - Mixed Use Commercial/Residential: 100% maximum.

NOTE: Building coverage area, is the area covered by building(s) or structure(s) on each individual lot or parcel (not including such impervious improvements such as but not limited to walkways, driveways, patios etc.). The net developable area shall be the area of each parcel and the net of any required yard required under the Development Plan. The Development Plan shall reflect the calculations used to demonstrate compliance with this requirement.

- K. A minimum of 20 percent of the net area of that part of a CMD development reserved for residential use shall be provided for Common Areas as defined by these regulations under subsection (P) below. The term "net area" shall be the gross area, measured in square feet, of the Development Plan devoted to residential use less the area dedicated for public streets. Common Areas shall be defined as playgrounds, street medians, landscaped green space, or other similar areas designed to be used by the residents of the development in common with each other. Common Areas for the leisure and recreation of development residents shall be owned and maintained in common by them, through a homeowner's association.
- L. The CMD District shall include such provisions for the ownership and maintenance of the Common Areas as are reasonably necessary to ensure its continuity, care, conservation, and maintenance, and to ensure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. The applicant shall submit any protective covenants and organizational documents of the homeowner's association with the Development Plan.
- M. No residential use shall have direct access onto an arterial street unless approved by the City Council in the Development Plan.
- N. Any commercial use must reflect its traffic flow on the Development Plan. All commercial areas must have indirect access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.
- O. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the CMD development.
- P. Common Areas as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, community buildings, or accessory structures, except recreational structures. Common Areas shall include open space that is accessible and available to all owners or residents in common pursuant to an Owner's Association.

2.2.3.8 Application for approval of Clustered / Mixed Use Development:

- 1. An application for a CMD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
- 2. The applicant shall prepare and submit five hard copies and one digital copy of the development plan (the "Development Plan") of the proposed development in the CMD District for review and approval by the Planning and Zoning Commission. The Development Plan shall include:
 - A. A site plan showing:
 - 1) Contours at intervals of two feet or spot elevations on a 150-foot grid shall be required on flat land.
 - 2) Location, size, height, and use of all proposed structures and proposed yards on each lot.
 - 3) All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas.
 - 4) All streets adjoining subject property and the width of the existing right-of-way.
 - 5) Areas set aside for Common Areas with the type of use or recreational facilities planned for each.
 - 6) Designation of individual parcels if the proposed development is to be set up in separate construction phases.

- 7) Designation of individual lots if such lots are proposed to be sold to individual owners.
 - 8) Location of required screening.
 - 9) Location of natural features such as ponds, tree clusters, and rock outcropping.
 - 10) Existing development on adjacent properties within 200 feet.
- B. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
- 1) Net area in square feet of the development. (Note: Net area shall be computed as the gross area less the land dedicated or necessary to be dedicated for public street right-of-way.
- C. Density of dwelling units per acre of the total dwelling units for the entire plan.
- 1) Building coverage of the net area of the development by individual parcel or total development.
 - 2) The percentage of the Development Plan provided for common open space as defined by this regulation. (Note: 20 percent is the minimum).
 - 3) If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
 - 4) Required number of parking spaces and location.
 - 5) Gross floor area proposed for commercial buildings.
 - 6) All proposed land uses shall be listed by parcel.
 - a. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
 - b. The full legal description of the boundaries of the property or properties to be included in the CMD development.
 - c. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed CMD development.
 - d. An elevation drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
 - e. When a CMD development includes provisions for common space and/or recreational facilities, a statement describing how such open space and/or facility be owned and maintained when not under the ownership of a governmental entity. A homeowner association or other controlling entity shall provide the City of Charles City with copies of the proposed articles of incorporation and bylaws of such entity.
3. The Planning and Zoning Commission shall meet within 45 days of an application being filed. Plans shall be filed with the City at least four weeks prior to a scheduled Planning and Zoning Commission meeting. After the application for a CMD development is filed, the Planning and Zoning Commission shall hold a public hearing on said development after giving required notice for hearings in amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning and Zoning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the Development Plan complies with those regulations, together with its recommendations in respect to the action to be taken on the Development Plan and CMD requirements. The Planning and Zoning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.
4. The City Council shall or shall not approve the Development Plan and authorize the submitting of the final Development Plan.
5. Substantial or significant changes in the preliminary plat and CMD design shall only be made after rehearing and approval unless the changes were otherwise required by the Planning and Zoning Commission or the City Council.

2.2.3.9 Final approval:

1. After approval of a Development Plan and prior to the issuance of any building permit or zoning permit, the applicant shall submit an application for final approval with the CMD development compliance review committee. The CMD development compliance committee shall consist of members of the Charles City Planning and Zoning Commission, Charles City City Council, the Building Inspector, the Charles City City Attorney, and/ or the Charles City City Engineer; this committee will be assembled only on an as needed basis. Said final application may include the entire CMD District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include five hard copies and one digital copy of such drawings, specifications, covenants, easements, conditions, and any other conditions including but not limited to performance bonds. As set forth in the approval of the Development Plan preliminary plan and in accordance with the conditions established in this chapter for a CMD District. The final plan shall include the same information, as the preliminary plan except the following shall also be provided:
 - A. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
 - B. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way.
 - C. All easements and appropriate building setback lines.
 - D. All lot lines, and lot dimensions including chord distances for curvilinear lot lines.
 - E. Lot and/or parcel numbers.
 - F. Location, size, height, and use of all proposed or present buildings.
 - G. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
 - H. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the Development Plan does not:
 - A. Vary the proposed gross residential density or intensity of use by more than five percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
 - B. Increase by more than 10 percent the floor area proposed for non-residential use; nor
 - C. Increase by more than five percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
 - D. Substantially change the design of the plan so as to significantly alter:
 - 1) Pedestrian or vehicular traffic flow.
 - 2) The juxtaposition of different land uses.
 - 3) The relation of open space to residential development.
 - 4) The proposed phasing of construction.
 - 5) Proposed use of one or more buildings to a more intensive use category as delineated in this chapter.
3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The Planning and Zoning Commission shall, within thirty 30 business days of the time of filing, review the final plan for compliance with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for final approval and acceptance.
4. In the event that the final plan submitted contains changes in excess of those permitted under Subparagraph (2) above, applicant shall resubmit the original plan. The Development Plan shall be modified in the same manner prescribed in this division as for original approval.

2.2.3.10 Enforcement and modification of plan:

1. To further the mutual interest of the residents and owners of the CMD development and of the public in the preservation of the integrity of the CMD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:
 - A. The use of land and the use, bulk, and location of buildings and structures; and
 - B. The quality and location of common space; and
 - C. The intensity of use or the density of residential units shall run in favor of the City and
2. Shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law. The development of any land pursuant to an approved Development Plan shall be constructed in accordance with the requirements of Section 5.19 and the approved Development Plan.

2.2.3.11 Amendments:

The CMD District agreement or an approved Development Plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment maybe made by the homeowner's association or 51 percent of the owners of the property within the CMD District.

2.2.3.12 Platting:

For unplatted tracts or tracts being replatted, the approval of the Development Plan shall be considered as the approval of a preliminary plan. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be 100 feet, 50 feet, or 20 feet to the inch.

2.2.3.13 Fees:

For the following applications, fees shall be paid to the City:

1. Development Plan, filing fee shall be set by the City Council by separate resolution.
2. Final plan, filing fee shall be set by the City Council by separate resolution.

These fees are separate and do not include any Preliminary and Final Plat Fees and/or any Change of Zone Fees required by the City of Charles City.

Section 2.2.4 Supplemental Regulations**Section 2.2.4.1 Home Occupations and Home-Based Businesses in Residential Districts****1. Intent Statement:**

A home occupation or home-based business shall be permitted when said occupation or business is conducted on residentially used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence and shall not be construed as a business.

2. Permitted home occupations:

- A. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work.
- B. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspeople, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespeople, and travel agents.
- C. Child Nurseries or Child Care
- D. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
- E. Instructional services, including music, dance, art and craft classes and tutoring.
- F. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
- G. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
- H. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

3. Prohibited home occupations:

- A. Medical and dental clinics, hospitals.
- B. Restaurants, clubs, drinking establishments.
- C. Motor vehicle / small engine repair.
- D. Kennels, stables, veterinarian clinics/hospitals.

4. Performance Standards for Home Occupations:

- A. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
- B. The operator conducting the home occupation shall be the sole entrepreneur, and the operator may employ up to one additional person other than a member of the immediate family residing on the premises.
- C. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
- D. No more than 50 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
- E. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
- F. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home-based business.
- G. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall not be permitted.
- H. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
- I. No retail sales are permitted from the site other than incidental sales related to services provided.

- J. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
 - K. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
 - L. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with the Code of Iowa.
5. **Permitted home based businesses:**
- A. Workrooms for custom home furnishings work, carpentry work, and furniture repair.
 - B. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
 - C. Personal services, including Barber and Beauty Shops (limited to two chairs), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
 - D. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
 - E. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
 - F. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
 - G. Child Nurseries or Child Care
6. **Prohibited home based businesses:**
- A. Medical and dental clinics, hospitals.
 - B. Restaurants, clubs, drinking establishments.
 - C. Motor vehicle / small engine repair.
7. **Performance Standards for Home Based Businesses:**
- A. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home-based business shall remain a resident in the dwelling unit.
 - B. The operator conducting the home-based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as an additional one unrelated individual for purposes of conducting business.
 - C. Structural additions, enlargements, or exterior alterations may be completed to provide space for the home-based business. Any alterations and additions are limited to a one-time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Charles City.
 - D. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business.
 - E. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
 - F. Home based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.
 - G. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
 - H. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
 - A. Two additional spaces for the unrelated employees.
 - B. Two additional spaces to be used for client/visitor parking.
 - C. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback.

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- D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height.
- E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
- F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
- G. The display of goods and/or external evidence of the home-based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
- H. No retail sales are permitted from the site other than incidental sales related to services provided.
- I. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- J. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
- K. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with the Code of Iowa.

8. Revocation:

- A. Conditions. A home occupation and home-based business allowed in accordance with the provisions of this section may be terminated if the City makes any of the following findings:
 - 1) That any condition of the home occupation or home-based business has been violated.
 - 2) That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance.
 - 3) That the use was established by misrepresentation or fraud.
 - 4) That the use has ceased or has been suspended for six consecutive months or more; and
 - 5) That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
- B. Appeal. Within five working days of a revocation, an appeal may be made to the Charles City Board of Adjustment. The City within ten working days of the receipt of an appeal of his or her revocation shall report his or her findings of fact and decision to the Charles City Board of Adjustment. The Charles City Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home-based business in accordance with the Board's final determination.

Section 2.2.4.2 Radio, Television and Wireless Communication Towers

1. Intent Statement:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and the Spectrum Act of 2012 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the City, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

2. Definitions:

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996, the Spectrum Act of 2012 and the Rules and Regulations of the Federal Communications

Commission (FCC). As used in this Section, the following terms shall have the following meanings:

Base Station: A structure that supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time of the application is filed.

Broadcasting Tower: A structure for the transmission or broadcast of radio, television, radar, microwaves or other electromagnetic frequencies which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial towers not exceeding 50 feet in height shall not be considered broadcast towers.

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Conforming commercial earth station: A satellite dish which is two meters or less in diameter and is in an area where commercial or industrial uses are generally permitted under this regulation.

Eligible facilities request: Is defined as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

In Writing: Refers to the means in which an applicant for a telecommunications tower is notified. The "in writing" clause has been defined to include the minutes of the governing body's proceedings including findings of fact.

Owner: Any person with a fee simple title or a leasehold exceeding ten years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.

Replacement: The removal and upgrade of transmission equipment and not the structure on which it is located.

Specific and absolute timeframe: The timeframe allowed for processing a telecommunication application under Section 6409 (a) of the Spectrum Act of 2012.

Stealth: Any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

Telecommunications Facilities: Any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include: a. Any Conforming Commercial Earth Station antenna two meters or less in diameter. b. Any earth station antenna or satellite dish antenna of one meter or less in diameter.

Tower: Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities.

Tower owner: Any person with an ownership interest of any nature in a proposed or existing tower.

Transmission Equipment: Any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

3. Tower Construction Standards:

Listed below are tower construction standards.

- A. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
- B. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Conditional Use Permit by the Board of Adjustment and issuance of the permit by the City.
- C. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all the aforementioned applicable regulatory standards shall be filed with the City.

4. Application to Develop a Tower:

- A. Prior to commencement of development or construction of a tower, an application shall be submitted to the City for a Conditional Use Permit and shall include the following:
 - 1) Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
 - 2) The legal description and address of the tract of land on which the tower is to be located.
 - 3) The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately owned towers and structures.
 - 4) An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants' telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants' telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
 - 5) Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
 - 6) Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
 - 7) Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
 - 8) The application, based upon the specific and absolute timeframe established by the FCC, shall be processed and decided within 60 days of the application becoming completed. However, the 60-day application processing period may be extended only:
 - a. By mutual agreement between the City of Charles City and the applicant, or
 - b. By City of Charles City's determination that the application is incomplete.
 - I. If the City of Charles City deems the application to be incomplete, the City shall notify the applicant of the incompleteness within 30 days of the initial filing.
 - II. The City shall clearly and specifically delineate in writing the missing information.

- III. The clock shall resume when the information is provided but may be stopped again if the City of Charles City notifies the applicant within 10 days that the application remains incomplete.
- IV. The City shall not request new information beyond what is already required.
- c. If the application is not acted upon within 60 days, the application shall be deemed to be approved by the governing body.

5. **Setbacks and Separation or Buffer Requirements**

Listed below are setbacks and separation requirements for towers and exception to height restrictions of towers.

- A. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
- B. Freestanding and guyed towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 percent of the tower height. The Board of Adjustment may reduce the setback with a conditional use permit if it determines that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
- C. Towers exceeding 100 feet in height may be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
- D. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100% of the height of the tower.
- E. Towers must meet the following minimum separation requirements from other towers:
 - 1) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - 2) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
- F. As part of its conditional use approval process, the Board of Adjustment may, after public notice and hearing, permit the tower to exceed the height restrictions otherwise allowable in the district.

6. **Structural Standards for Towers Adopted:**

The Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

7. **Illumination and Security Fences:**

- A. Towers shall not be artificially lighted except as required by the FAA. Any tower subject to this Section that is required to be lit under FAA requirements and using a strobe light shall be equipped with dual mode lighting. In no case, shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.
- B. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

8. **Exterior Finish:**

Towers not requiring FAA painting or markings shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Board of

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Adjustment as part of the application approval process. All towers that must be approved as a conditional use shall be stealth design unless stealth features are impractical, or the cost of such features represents an undue burden on the applicant.

9. Landscaping:

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

10. Prohibitions

According to the FCC, "[A] state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

11. Substantial Change

The City of Charles City may only require an amended conditional use permit for changes/modifications on a telecommunication tower/system that are defined by the FCC as substantial.

A. **Substantial Change** shall mean any of the following:

- 1) Towers outside the public right-of-way, a "substantial change"
 - increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, or
 - Protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
- 2) Towers in the right-of-way, and all base stations, a "substantial change"
 - increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater, or
 - protrudes from the edge of the structure more than 6 feet.
- 3) All Towers and base stations, a substantial change:
 - involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.
 - entails any excavation or deployment outside the current site of the tower or base station.
 - defeats the existing concealment elements of the tower or base station; or
 - does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to any of the "substantial change" thresholds identified above.

B. Changes in Height

- 1) Changes in height are to be measured from the original support structure in cases where the deployments are or will be separated horizontally.
- 2) In other circumstances, changes in height are to be measured from the dimensions of the original tower or base station and all originally approved appurtenances, and any modifications approved prior to the passage of the Spectrum Act.
- 3) Note, the changes are measured cumulatively; otherwise, a series of small changes could add up to a cumulative change that exceeds the "substantial change" threshold.

12. Inspections

The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Building Codes and any other construction standards set forth by the City, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of Charles City, or a duly appointed independent representative of the City.

13. Maintenance

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

14. Abandonment

If any tower shall cease to be used for a period of one year, the City shall notify the tower owner that the site will be subject to determination by the City that the site has been abandoned. Upon issuance of written notice to show cause by the City, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the City shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the City, or his/her designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to authority of the Code of Iowa and City of Charles City codes and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

15. Approval Denial Procedures for Tower Development Permit

- A. Any decision to deny an application to place, construct or modify a wireless facility must be "in writing" and supported by substantial evidence contained in a written record.
- B. The regulation of placement, construction, and modification of personal wireless services facilities by the City of Charles City shall not unreasonably discriminate among providers of functionally equivalent services.
- C. The regulation of the placement, construction, and modification of personal wireless service facilities by the City of Charles City shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
- D. The City of Charles City shall not regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with FCC regulations.

Section 2.2.4.3 Fences

1. No fence shall be constructed within the zoning jurisdiction of the City of Charles City unless a permit is approved and issued by the City and is constructed in conformance with the following requirements:
 - A. Fences shall be built on the inside of a lot or tract property.
 - B. Unless otherwise provided, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.
 - C. No solid fences permitted or required by this regulation shall be built within the sight triangle on a corner lot or otherwise in any manner create a traffic hazard or obstruction to visibility.
 - D. The finished surfaces of any fence shall face toward adjacent properties and street frontage.
 - E. Prior to constructing a new fence, one of the following shall be undertaken: 1) existing corner pins shall be located, or 2) a complete survey shall be undertaken to establish corner pins.
 - F. A licensed Land Surveyor shall establish the property line(s).
 - G. Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.
 - 1) The maximum height of a fence within a required front yard or street side yard setback shall be 48 inches and not exceeding 25 percent closed construction.
 - 2) The maximum height for any fence outside of a required front yard shall be six feet four inches.
 - 3) On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet four inches.

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- 4) Fences shall be constructed of wood, metal chain-link, PVC/ resin, stone or masonry materials only. Wood fences shall utilize standard pre-treated building lumber only or be finished.
- 5) Fences on corner lots may:
 - a.Fences along the Street Side Yard of a lot may be constructed along the property line.
 - b.Fences along the Street Side Yard of a lot may construct a fence to a maximum of six feet four inches above grade.
 - c.Fences along a Street Side Yard shall not be constructed beyond the front façade of the primary structure.
 - d.Fences constructed in the Street Side Yard shall not interfere with any required sight triangle.
 - e.Fences constructed in the Street Side Yard shall be constructed with the good side of the fence facing the public way.
 - f.Fences constructed in the Front yard of a corner lot shall be required to meet all normal regulations.
- H. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District may be higher than eight feet in height.
- I. Fences constructed along and parallel to a lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.
- J. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Iowa Department of Transportation, shall not exceed eight feet in height.
2. No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.
3. Chain link and wire fences four feet or less in height and all other fences three feet or less shall be exempt from receiving a permit form from the City.
4. Perimeter security fencing of buildings constructed in an industrial district provided that the bottom strand of the barbed wire shall be at least six feet above ground level."
5. All fences shall be maintained in good repair.
6. *Electric Fences.* No electric fence, except for underground invisible fence for animal control, shall be constructed or maintained within the City of Charles City

Section 2.2.4.4 Performance Standards for Industrial Uses

1. Physical Appearance:

All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

2. Fire hazard:

No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Charles City.

3. Noise:

No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used, and measurement may include breakdowns into a reasonable number of frequency ranges.

4. **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or

chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

5. Air Contaminants:

- A. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
- B. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
- C. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
- D. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
- E. **Gasses:** The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million (5ppm), carbon monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.
- F. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case, shall such vibration exceed a displacement of three thousandths of an inch (0.003") measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
- G. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

6. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

The Table below displays the maximum permitted sound levels that may be generated by uses in the I-1, and I-2 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Maximum Permitted Sound Levels at Residential Boundaries

Originating Zoning District	Time	Maximum One Hour Leq* (dbA)
M-1	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55
M-2	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55

* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.

Section 2.2.4.5 Small Wind Energy Systems

1. Intent Statement:

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It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

2. Definitions

The following are defined for the specific use of this section.

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Tower Height: The height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

3. Requirements

Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

- A. Tower Height
 - 1) For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
 - 2) For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
- B. Setbacks
 - 1) No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
- C. Noise
 - 1) Small wind energy systems shall not exceed 60 dBA, as measured at the closet neighboring inhabited dwelling unit.
 - 2) The noise level may be exceeded during short term events such as utility outages and/or severe windstorms.
- D. Approved Wind Turbines
 - 1) Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
- E. Compliance with Building and Zoning Codes
 - 1) Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - 2) An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Iowa and certified by a licensed professional engineer shall also be submitted.
 - 3) The manufacturer frequently supplies this analysis.
 - 4) Wet stamps shall not be required.
- F. Compliance with FAA Regulations
 - 1) Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- G. Compliance with National Electrical Code
 - 1) Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
 - 2) The manufacturer frequently supplies this analysis.
- H. Utility Notification
 - 1) No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 - 2) Off-grid systems shall be exempt from this requirement.
- I. Setbacks

All towers shall adhere to the setbacks established in the following table:

Property Lines	One times the total height
Neighboring Dwelling Units	One times the total height
Road Rights-of-Way*	One times the tower height.
Other Rights-of-Way	One times the tower height.
Wildlife Management Areas and State Recreational Areas	NA
Wetlands, USFW Types III, IV, and V	NA
Other structures adjacent to the applicant's sites	NA
Other existing WECS not owned by the applicant.	NA
River Bluffs	

* The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

Section 2.2.4.6 Commercial/Utility Grade Wind Energy Systems

1. Intent Statement:

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy systems within the zoning jurisdiction of the City of Charles City.

2. Definitions

The following are defined for the specific use of this section.

Aggregate Project: Projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

Commercial WECS: A wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

Fall Zone: The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

Meteorological Tower: For purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the IDOT, or other applications to monitor weather conditions.

Micro-Wind Energy Conversion System: A Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.

Public Conservation lands: Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

Rotor Diameter: The diameter of the circle described by the moving rotor blades.

Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Substations: Any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.

Total Height: The highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

Tower: The vertical structures that support the electrical, rotor blades, or meteorological equipment.

Tower Height: The total height of the Wind Energy Conversion System exclusive of the rotor blades.

Transmission Line: The electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Wind Energy Conservation System: An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Wind Turbines: Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.



3. Requirements

Commercial/Utility Grade wind energy systems shall be permitted as a Conditional Use within any district where the use is listed and allowed. The following requirements and information shall be met and supplied:

- A. The name(s) of project applicant.
- B. The name of the project owner.
- C. The legal description and address of the project.
- D. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
- E. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
- F. Engineer's certification.
- G. Documentation of land ownership or legal control of the property.
- H. The latitude and longitude of individual wind turbines.
- I. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System.
- J. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
- K. An Acoustical Analysis
- L. FAA permit
- M. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System.
- N. Decommissioning Plan
- O. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.

4. Aggregated Projects

- A. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
- B. Permits may be issued and recorded separately.
- C. Joint projects will be assessed fees as one project.

5. Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine –	Meteorological Towers
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	Commercial/Utility WECS	
Property Lines	1.1 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + feet or 1.1 times the total height.
Neighboring Dwelling Units*	2,000 feet	The greater of: The fall zone, as certified by a professional engineer, + feet or 1.1 times the total height.
Road Rights-of-Way**	1.1 times the height.	The greater of: The fall zone, as certified by a professional engineer, + feet or one times the total height.
Other Rights-of-Way	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + feet or one times the total height.
Public conservation lands	1,000 feet	600 feet
Wetlands, USFW Types III, IV, and V	600 feet	600 feet
Other structures	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + feet or one times the total height.
Other existing WECS	To be considered based on: - Relative size of the existing and proposed WECS - Alignment of the WECS relative to the predominant winds - Topography - Extent of wake interference impacts on existing WECS - Property line setback of existing WECS - Other setbacks required Waived for internal setbacks in multiple turbine projects including aggregated projects	

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

6. Special Safety and Design Standards

All towers shall adhere to the following safety and design standards:

- A. No WECS shall be allowed to be constructed within any Airport Approach Hazard or Turning Area.
- B. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
- C. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
- D. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
- E. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
- F. Color and finish:

All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.

- G. Lighting:

Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.

- H. Other signage:

All other signage shall comply with the sign regulations found in these regulations.

- I. Feeder Lines:

All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a WECS shall be buried, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.

- J. Waste Disposal:

Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

K. Discontinuation and Decommissioning:

A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the City outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to ground level within 90 days of the discontinuation of use.

Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.

L. Noise:

No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure or use.

M. Interference:

The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the city/county for permits.

N. Roads:

Applicants shall:

- 1) Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
- 2) Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
- 3) Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.

O. Drainage System:

The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

Section 2.2.4.7 Junk Yards or Salvage Yards

Junk Yards and salvage of materials may be allowed in identified districts; provided the following minimum conditions are met (additional conditions may be required depending upon the operation and the proposed location):

1. Construction and operation shall comply with the Charles City Municipal Code and any other applicable codes or requirements.
2. Receiving areas for junk or salvage material shall be designed to avoid the depositing of junk or salvage material outside a building or outside screened (solid fence) storage areas.
3. Junk yards and salvage of materials shall contain a minimum of two acres and shall not be located within a designated 100-year floodplain area as identified by the Corps of Engineers.
4. Junk or salvage material kept outside a building or buildings shall not be located closer than 500 feet from any designated State or Federal highway. Or locally designated Expressway, Major Arterial, and Other Arterial as per the State of Iowa Department of Transportation or subsequent successor agency.
5. Junk material kept outside a building or buildings shall not be located in the required front yard.
6. Junk or salvage material kept outside a building or buildings shall be at least 100 feet from the boundaries of the I-1 or I-2 zoning district and shall be at least 500 feet from the any residential district or use.
7. All motor vehicles shall have all fluids drained prior to placement within the facility.
8. The fence or wall shall be uniform in height, texture, and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the neighborhood.
9. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard. No scrap, junk or other salvaged materials may be piled or stacked so to exceed the height of the enclosing fence or wall.

Section 2.2.4.8 Solar Energy Uses

No solar panel, neighborhood solar or solar farm shall be installed or constructed within the zoning jurisdiction of Charles City unless a Conditional Use Permit has been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section.

1. General Solar Definitions

Accessory Solar Energy Systems: Includes any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

Concentrated Solar Power: A solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, unto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

Development: Any plat, subdivision, or planned unit development created under the Charles City Unified Development Code.

Electric Utility: The public electric utility providing retail service to a given area.

Net Excess Generation: On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period.

Net Metering: Net metering means a system of metering electricity in which a local distribution utility:

- A. Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generator's

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electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge; and

- B. Compensates the customer-generator for Net Excess Generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by the customer-generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period.

Solar Access: the ability to receive sunlight across real property for any solar energy device.

Solar Access Easement: A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

Solar Conversion System (SCS): An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

Solar Conversion System, Commercial: A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

Solar Conversion System, Ground-Mounted: Any SCS which is directly supported and attached to the ground.

Solar Conversion System, Individual: An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

Solar Conversion System, Neighborhood: A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

Solar Conversion System, Structure-Mounted: Any SCS which is directly connected to and supported by a building.

Solar Skyspace: The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

- A. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-



Example of a Solar Conversion System, Ground-mounted



Example of a Solar Conversion System, Structure-mounted

dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.

- B. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock **(8:00) A.M. and four o'clock (4:00) P.M. local** apparent time from March 23 through September 21 of each year.

Solar Oriented Subdivision: A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

South or South-Facing: True South, Or 20 Degrees East of Magnetic South.

2. General Provisions Applying to ISCS, NSCS, and/or CSCS

The following provisions shall apply, typically, to two or more of the different solar conversion systems in this Section

A. For commercial and neighborhood SCS:

Applicant shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application.

B. For commercial and neighborhood SCS:

Applicant shall comply with specific requirements of the local fire department.

C. Maintenance:

All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner based upon the ground cover decided.

D. Decommissioning:

All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upfront by the City of Charles City, the electric utility, and the owner/developer.

E. Repowering:

If any SCS is no longer operating for purposes of Repowering, replacement, or maintenance, Decommissioning provisions will not apply for up to six months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than six months will be considered abandoned and Decommissioning provisions will apply.

- 1) Repowering does not require a new Conditional Use permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.

- F. Any applicant for a SCS project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.

- G. All NSCS and CSCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.

- H. SCS may be installed in the floodway fringe subject to Section 2.2.1.6, as may be amended from time to time, given that all components are installed a minimum of one foot (1') above base flood elevation and subject to written authorization of the Floodplain Administrator.

- I. No SCS shall be constructed in the identified Floodway.

- J. Concentrated Solar Power (CSP) systems are prohibited within the City of Charles City's jurisdiction.

- K. Financial assurances shall be in place as part of the Decommissioning Plan.

3. Individual Solar Conversion Systems

A. General Requirements for ISCS:

ISCS's shall conform to the required front, side and rear lot setback requirements except as provided herein:

- 1) An SCS which is attached to an integral part of the principal building shall meet all local,

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state, and federal codes for building, electrical, plumbing, and accessibility.

- 2) A ground-mounted SCS may be located only in the required rear yard provided it does not exceed 12-feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.
- 3) No ground mounted SCS shall be located in the required side yard or front yard.
- 4) All ISCS's shall have an agreed to solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground mounted SCS is in place and operational.
- 5) The applicant for any ISCS shall provide evidence that they have a working Net Metering agreement with the electric utility.

B. Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

C. Plot Plan:

The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

D. Preexisting Solar Panels:

Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid building permit issued by the City of Charles City, may continue to be utilized so long as it is maintained in operational condition.

E. Decommissioning

- 1) Whenever an SCS ceases operation on a property, it shall be required to report this to the City and the electric utility.
- 2) Whenever, a ground mounted SCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the SCS shall be returned to a usable state based upon the surrounding property.

4. Neighborhood Solar Conversion Systems

A. General Requirements for NSCS:

NSCS's shall meet the following requirements as provided herein:

- 1) An NSCS shall be set on its own lot within the neighborhood/development.
- 2) The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development.
- 3) No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a Net Metering agreement.
- 4) The developer shall provide the City with all solar easements established; however, Charles City shall not be responsible for enforcing said easements.
- 5) All solar easements shall be enforced by an establish Homeowners Association for the development/neighborhood.
- 6) A ground mounted NSCS shall be protected with fencing and/or bollards.
- 7) All connections to the uses within the neighborhood shall be made underground.
- 8) An access agreement between the developer, Homeowners Association, and any other necessary other entity and the electric utility shall exist in case of an emergency.
- 9) A Net Metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity; and
- 10) All ground mounted NSCS's shall have an agreed to solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground- mounted NSCS is in place and operational.

B. Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

C. Solar Oriented Subdivision/Plot Plan:

- 1) Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot or outlot where the NSCS will be placed.

Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.

- 2) The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- 3) The developer shall install all underground wiring as prescribed by the electric utility.
- 4) All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.
- 5) The developer shall provide the City with As-builts of the wiring locations within the subdivision.

D. Decommissioning

- 1) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

5. Commercial Solar Conversion Systems:

A. Applicability

The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms or CSCS consisting of ground-mounted solar panels capturing energy from the sun and converting it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, The City finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in urbanized, non- urbanized, or low-density areas with other uses.

B. Site Development Standards:

- 1) Lot coverage: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures.
- 2) Setbacks: A thirty-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district, or the two districts are separated by a public right-of-way.
- 3) Height: The average height of the solar panel arrays shall not exceed 12 feet.
- 4) Landscaping Buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.
- 5) Stormwater Management: Fixed panel solar arrays shall be considered pervious

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and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.

- 6) A property developed pursuant to this subsection shall be required to plat however water and sewer connections shall not be required. Suitable fire department access shall be required.
- 7) Signage shall conform to the City Sign Regulations.
- 8) Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
- 9) Fencing: Due the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing up to eight feet in height is permitted provided the fencing material is predominantly open.
- 10) All State and Federal codes and provisions not specified in this subsection are required including but not limited to tree preservation, traffic impact analysis and historic preservation.

C. Submittal Requirements:

All Plans shall contain the following:

- 1) These requirements shall apply to both the Conditional Use Permit.
- 2) A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines.
- 3) The plot plan shall include any roads, electric lines and/ or overhead utility lines.
- 4) A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant Power District.
- 5) A copy of the interconnection agreement with the local electric utility
- 6) Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar powerplant.
- 7) Structural engineering analysis for a solar panel, array and its foundation, as applicable.
- 8) Manufacturer's recommended installations, if any; and
- 9) Documentation of land ownership and/or legal authority to construct on the property.
- 10) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Charles City reserves the right to require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

D. Compliance with Other Regulations:

- 1) Zoning permit applications for CSCS's shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State's adopted electrical code and that has been pre-approved by the associated power district meeting their Distribution Generation Requirements and Guidelines; and
- 2) This subsection does not waive any requirements of any state or Federal codes, electrical codes or other technical codes as applicable.

E. Discontinuation.

A CSCS shall be considered abandoned after one year without energy production. The solar equipment owner shall remove all SCS equipment and appurtenances within 90 days of abandonment.

Section 2.2.4.9 Self-Storage Units (Mini-Warehouses)

1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
2. All driveways, parking, loading and vehicle circulation areas shall be in accordance with Section 3.4 Parking Regulations.
3. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
4. No storage may open into the front yards.
5. The total area covered by buildings shall not exceed 50 percent of the site.
6. The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil.
7. Facilities must maintain landscape buffer yards of 50 feet adjacent to any public Right-of-Way and 20 feet adjacent to other property lines, unless greater setbacks are required, a total of 35 percent of all yards shall be landscaped.
8. Site development shall include provisions for stormwater management in accordance with the Regulations of the City of Charles City
9. Height limitations shall require a maximum height of 20 feet for any structure in the facility.
10. The perimeter of each facility shall be fully enclosed by fencing or screen walls. Perimeter fencing shall be provided at a minimum of six feet and maximum of eight feet in height, of material approved by the City. Fencing shall be constructed behind required buffer yards.

Section 2.2.4.10 Auto Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways.
2. Any spray painting must take place within structures designed for that purpose and approved by the City.

Section 2.2.4.11 Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be hard surfaced.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

Section 2.2.4.12 Bed and Breakfasts

Bed and Breakfasts shall meet the following requirements:

1. Maintain a residential exterior appearance.
2. Rooms may not be rented for more than seven consecutive days and no more than 14 days per person in any 30-day period.
3. Breakfast must be served on premises and included within the room charge for guest of the facility.

Section 2.2.4.13 Salvage Services

1. Screening:
 - A. The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be eight feet. Any such enclosure shall be constructed behind required landscaped bufferyards.
 - B. Each existing salvage services facility shall be screened from public right-of-way as provided above within one year of the effective date of this Ordinance.
2. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
3. No Salvage Services use may be established within 500 feet of the nearest property line of a residential zoning district or of any pre-established civic use, or within 1,000 feet of the nearest property line of an R-1, R-2, R-3 or R-4 District.

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Section 2.2.4.14 Outdoor Storage Containers

1. Outdoor Storage Containers are subject to the regulations outlined for Accessory Buildings in Article 4, except as provided below:
 - A. Outdoor storage containers within each district shall be limited to two containers per business.
 - B. Containers shall be located to the rear 50 percent of the site.
 - 1) Containers shall not be located in any required setback or yard area, required landscape area, required drive aisle, driveway, or parking area.
 - 2) Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to emergency, snow removal, and circulation and fire lanes.
 - 3) Containers shall not be stacked upon one another and shall be located an appropriate distance from all structures, in accordance with the Fire Code.
 2. Storage containers should not be visible from an adjoining property or from a public or private street. Storage containers not so located may be placed on a site if the containers are adequately screened and buffered.
 - A. Screening shall be provided so that the outdoor storage container is not visible or is buffered from surrounding properties or public or private streets or the container shall be architecturally compatible with the primary buildings and the nature of the business.
 - B. Enhanced fencing, landscaping, buffering and/or architectural treatments shall be required for visible containers.
 - C. Buffering may include the use of decorative design features including painting, murals, etc.
 3. The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and shall be painted or otherwise maintains such that they are consistent with the character of adjacent buildings, and secured at all times.
 4. At no time, shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the special use permit.
 5. Exemptions The temporary use of construction trailers or containers at a building site is exempt from this requirement.
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Section 2.2.4.15 Mobile Food Units

Mobile Food Units are allowed in specific zoning districts; however, these uses shall be required to abide by the following requirements:

1. All units shall be located on vacant lots except in the B-2 Downtown Commercial District where on-street parking may be permitted. On-street parking shall only be allowed during times of operation.
 2. All units shall only operate during hours identified on the temporary permit. In no case shall a unit be open for more than one hour after the legal closing time of local bars.
 3. All refuse shall be transported off-site unless an agreement with the property owner is submitted to the City identifying an alternate.
 4. All units shall not be allowed to use intense lights in order to attract customers.
 5. During non-operation hours, these units shall be stored on a vacant lot or in an enclosed structure.
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Section 2.2.4.16 Amateur Radio Towers and FCC Pronouncements

1. Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.
2. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the City Council may grant a Conditional Use Permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the City Council shall consider the federal

guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).

3. Such radio towers shall not be located within any front yard of the primary use.

Section 2.2.4.17 Roadside Stands

1. A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
2. A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.
3. A roadside stand may operate for a maximum of 180 days in any one year.

Section 2.2.4.18 Adult Entertainment Establishments

1. Purpose; Findings and Rationale

- A. *Purpose.* It is the purpose of this Ordinance to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

- B. *Findings and Rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

Farkas v. Miller, 151 F.3d 900 (8th Cir. 1998); *Jakes, Ltd. v. City of Coates*, 284 F.3d 884 (8th Cir. 2002); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *SOB, Inc. v. County of Benton*, 317 F.3d 856 (8th Cir. 2003); *Scope Pictures v. City of Kansas City*, 140 F.3d 1201 (8th Cir. 1998); *ILQ Invs. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *City of Lincoln v. ABC Books, Inc.*, 470 N.W.2d 760 (Neb. 1991); *Xiong v. City of Moorhead*, 2009 WL 322217 (D. Minn. Feb. 2, 2009); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d

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385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Major Liquors, Inc. v. City of Omaha*, 188 Neb. 628 (1972); *DLH Inc. v Nebraska Liquor Control Commission*, 266 Neb. 361 (2003); *Village of Winslow v Sheets*, 261 Neb.203 (2001),

and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis," *Crime & Delinquency* (2012) (Louisville, KY); *Metropolis, Illinois – 2011-12*; *Manatee County, Florida – 2007*; *Hillsborough County, Florida – 2006*; *Clarksville, Indiana – 2009*; *El Paso, Texas – 2008*; *Memphis, Tennessee – 2006*; *New Albany, Indiana – 2009*; *Louisville, Kentucky – 2004*; *Fulton County, GA – 2001*; *Chattanooga, Tennessee – 1999-2003*; *Jackson County, Missouri – 2008*; *Ft. Worth, Texas – 2004*; *Kennedale, Texas – 2005*; *Greensboro, North Carolina – 2003*; *Dallas, Texas – 1997*; *Houston, Texas – 1997, 1983*; *Phoenix, Arizona – 1995-98, 1979*; *Tucson, Arizona – 1990*; *Spokane, Washington – 2001*; *St. Cloud, Minnesota – 1994*; *Austin, Texas – 1986*; *Indianapolis, Indiana – 1984*; *Garden Grove, California – 1991*; *Los Angeles, California – 1977*; *Whittier, California – 1978*; *Oklahoma City, Oklahoma – 1986*; *New York, New York Times Square – 1994*; the Report of the Attorney General's Working Group On The Regulation Of Adult establishments, (June 6, 1989, State of Minnesota); *Dallas, Texas – 2007*; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Adult establishments: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; *Sex Store Statistics and Articles*; and *Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA)*, McLeary and Weinstein; Do "Off-Site Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Law and Policy, Vol. 31, No. 2 (April 2009), *Adult Business Study: Town and Village of Ellicottville, Cattaraugus County, New York (January 1998)*,

the City Council finds:

- 1). Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- 2) Adult establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.
- 3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. Additionally, the City's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the City. The City finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to said secondary effects.

The City Council hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

2. Definitions

Adult Bookstore Or Adult Video Store: A commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment's displayed merchandise consists of said items, or
2. At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items, or
3. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
4. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor area" maintained for the display, sale, or rental of said items); or
5. The establishment maintains at least 500 square feet of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor area" maintained for the display, sale, or rental of said items); or
6. The establishment regularly offers for sale or rental at least 2,000 of said items; or
7. The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

Adult Cabaret: shall mean a nightclub, bar, juice bar, restaurant, bottle club, lounge, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

Adult Establishment: An "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," or an "adult paraphernalia store."

Adult Motion Picture Theater: A commercial establishment to which the public is permitted or invited wherein an image-producing device is regularly maintained to show images to more than five persons at any one time, and where the images so displayed are characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas."

Adult Paraphernalia Store: A commercial establishment that regularly offers 100 or more sexual devices for sale. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall. For purposes of this definition, "sexual device" means any three-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. "Sexual device" shall not be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Employee of an Adult Establishment: Any person who performs any service on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person

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is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Enclosed Regional Shopping Mall: A group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large anchor stores, such as department stores. The common walkway or mall is enclosed, climate controlled and lighted, usually with an inward orientation of the stores facing the walkway.

Nudity: The showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operator of Adult Establishment: Any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner, part owner, or licensee of the business.

Semi-Nude or Semi-Nudity: The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola.

Specified Sexual Activities: Intercourse, oral copulation, masturbation or sodomy.

3. Performance Standards

- A. No person shall establish, operate, or cause to be operated an adult establishment in City of Charles City within:
 - 1). 1,000 feet of another adult establishment;
 - 2). 500 feet of a business licensed to sell alcohol at the premises; or
 - 3). 500 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.
 - 4). For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the adult establishment to the closest point on a property boundary of another adult establishment, a business licensed to sell alcohol at the premises, a residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.
- B. No adult establishment shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.
- C. No patron, employee of an adult establishment, or any other person shall knowingly or intentionally, in an adult establishment, appear in a state of nudity or engage in a specified sexual activity.
- D. No person shall knowingly or intentionally, in an adult establishment, appear in a semi-nude condition unless the person is an employee of an adult establishment who, while semi-nude, remains at least six feet from all patrons and on a stage at least 18 inches from the floor in a room of at least 600 square feet.
- E. No employee of an adult establishment who appears semi-nude in an adult establishment shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of an adult establishment. No customer shall knowingly or intentionally touch such an employee of an adult establishment or the clothing of such an employee of an adult establishment on the premises of an adult establishment.

- F. No person shall possess alcoholic beverages on the premises of an adult establishment.
- G. No person shall knowingly or recklessly allow a person under the age of 18 years to be or remain on the premises of an adult establishment.
- H. No operator of an adult establishment shall knowingly or recklessly allow a room in the adult establishment to be simultaneously occupied by any patron and any employee of an adult establishment who is semi-nude or who appears semi-nude on the premises of the adult establishment, unless an operator of the adult establishment is present in the same room.
- I. A person who operates or causes to be operated an adult establishment which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
 - 1) The operator of the adult establishment shall, within one week of opening the adult establishment for business, submit to the City a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.
 - 2) It shall be the duty of the operator of the adult establishment, and of any employees of the adult establishment present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 - 3) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five-foot candles as measured at the floor level. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
 - 4) It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.
 - 5) It shall be the duty of the operator of an adult establishment to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - a. That the occupancy of viewing rooms less than 150 square feet is limited to one person.
 - b. That specified sexual activity on the premises is prohibited.
 - c. That the making of openings between viewing rooms is prohibited.
 - d. That violators will be required to leave the premises.
 - e. That violations of these regulations are unlawful.
 - 6) It shall be the duty of the operator of an adult establishment to enforce the regulations articulated in 2.2.4.18 (I)(5)(a) through 2.2.4.18 (I)(5)(e) above.
 - 7) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator of the adult establishment's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises have two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator of an adult establishment to ensure that at least one employee of an adult establishment is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator of an adult establishment, and it shall also be the duty of any employees of an adult establishment present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors,

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- curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
- 8) It shall be the duty of the operator of an adult establishment to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.
 - 9) It shall be unlawful for a person having a duty under subsections 2.2.4.18 (I)(1)) through 2.2.4.18 (I)(H)) above to knowingly or recklessly fail to fulfill that duty.
 - 10) No patron shall knowingly or recklessly enter or remain in a viewing room less than 150 square feet in area that is occupied by any other patron.
 - 11) No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.
 - 12) No person shall knowingly or recklessly make any hole or opening between viewing rooms.
- J. It shall be the duty of the operator of an adult establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five-foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.
- K. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state shall be sufficient to establish a violation of a provision of this section.
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Section 2.2.4.19 Dwelling Unit, Special Types

This section is intended to establish special conditions by which Special types of dwelling units may be established within the jurisdiction of Charles City.

1. Tiny Houses

Tiny houses fall under two separate categories, Site Built and RV/Park Model/Camper.

Site Built Tiny Houses

- A. Tiny homes shall have at least one habitable room with not less than 120 sf of gross floor area.
- B. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens.
- C. Habitable rooms shall not be less than seven feet in any horizontal dimension.
- D. Ceiling height effect on room area:
 - 1) Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - 2) The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
- E. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
- F. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
- G. Tiny homes shall have a kitchen area and sink.
- H. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
- I. All electrical shall be in compliance with all local, state and/or federal electrical codes.
- J. The unit shall meet all egress requirements found in local, state, and/or federal codes.
- K. All foundations shall meet local, state, and/or federal building codes.
- L. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

RV/Park Model/Camper

- A. The unit shall be constructed upon a single chassis.
- B. The unit shall have 400 sf or less when measured at the largest horizontal projections.
- C. The unit shall be self-propelled or permanently towable by a light duty truck.
- D. The unit shall not be considered to be designed for use as a permanent dwelling but as a temporary living quarter.
- E. All electrical, including temporary hook-ups, shall be in compliance with all local, state and/or federal electrical codes.
- F. All plumbing and other mechanical systems shall not be permanently connected to a supply or discharge source.

- G. The wheels and axles shall remain on the unit at all times.
- H. Accessory structures shall not be supported by these units.

Tiny House Villages/Communities

Tiny house villages/communities may be allowed in identified areas and shall be designed using the CMD-Clustered/Mixed Use Development process within this Regulation.

2. Grain Bin Homes

Any residential structure meeting the definition of a grain bin home shall meet the following criteria:

- A. Grain bin homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.
- B. Grain bin homes shall have at least one habitable room with not less than 120 sf of gross floor area.
- C. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens.
- D. Habitable rooms shall not be less than seven feet in any horizontal dimension.
- E. Ceiling height effect on room area:
 - 1) Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - 2) The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
- F. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
- G. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
- H. Grain bin homes shall have a kitchen area and sink.
- I. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
- J. All electrical shall be in compliance with all local, state and/or federal electrical codes.
- K. The unit shall meet all egress requirements found in local, state, and/or federal codes.
- L. Any and all extensions off the grain bin home shall be structurally designed regarding all attachments and cantilevers.
- M. All modifications needed to convert the grain bin(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering.
- N. All items requiring the structure to be structurally designed/modified shall be sealed by a State licensed design professional qualified to do such work.
- O. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

3. Cargo Container Homes

Any residential structure meeting the definition of a cargo container home shall meet the following criteria:

- A. Cargo container homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.
- B. Multiple containers shall be structurally and permanently attached to each other.
- C. Cargo container homes shall have at least one habitable room with not less than 120 sf of gross floor area.
- D. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens.
- E. Habitable rooms shall not be less than seven feet in any horizontal dimension.
- F. Ceiling height effect on room area:
 - 1) Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - 2) The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
- G. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
- H. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
- I. Cargo container homes shall have a kitchen area and sink.

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- J. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
- K. All electrical shall be in compliance with all local, state and/or federal electrical codes.
- L. The unit shall meet all egress requirements found in local, state, and/or federal codes.
- M. Any and all extensions off the cargo container home shall be structurally designed regarding all attachments and cantilevers.
- N. All modifications needed to convert the cargo container(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering.
- O. All items requiring the structure to be structurally designed/modified shall be sealed by a State licensed design professional qualified to do such work.
- P. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

4. Tree house Homes

Any residential structure meeting the definition of a tree house home shall meet the following criteria:

- A. Tree house homes shall only be permitted as an accessory use to a primary structure.
- B. Tree house homes shall have at least one habitable room with not less than 120 sf of gross floor area.
- C. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens.
- D. Habitable rooms shall not be less than seven feet in any horizontal dimension.
- E. Ceiling height effect on room area:
 - 1) Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - 2) The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
- F. Ceiling heights shall be a minimum of seven feet in habitable spaces, and hallways.
- G. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
- H. All electrical shall be in compliance with all local, state and/or federal electrical codes.
- I. The unit shall meet all egress requirements found in local, state, and/or federal codes.
- P. All tree house homes designed as recreational structures and/or sleeping quarters shall be structurally designed prior to construction and sealed by a State licensed design professional qualified to do such work.

J. Quonset Homes

Any residential structure meeting the definition of a Quonset home shall meet the following criteria:

- A. Quonset homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.
- B. Quonset homes shall have at least one habitable room with not less than 120 sf of gross floor area.
- C. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens.
- D. Habitable rooms shall not be less than seven feet in any horizontal dimension.
- E. Ceiling height effect on room area:
 - 1) Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - 2) The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
- F. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
- G. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
- H. Quonset homes shall have a kitchen area and sink.
- I. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
- J. All electrical shall be in compliance with all local, state and/or federal electrical codes.
- K. The unit shall meet all egress requirements found in local, state, and/or federal codes.

- L. Any and all extensions off the Quonset home shall be structurally designed regarding all attachments and cantilevers.
- M. All modifications needed to convert the Quonset into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering.
- N. All items requiring the structure to be structurally designed/modified shall be sealed by a State licensed design professional qualified to do such work.
- O. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

5. Shouses

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

- A. Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.
- B. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building.
- C. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area.
- D. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens.
- E. Habitable rooms shall not be less than seven feet in any horizontal dimension.
- F. Ceiling height effect on room area:
 - 1) Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - 2) The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
- G. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
- H. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
- I. Shouses shall have a kitchen area and sink.
- J. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
- K. All electrical shall be in compliance with all local, state and/or federal electrical codes.
- L. The unit shall meet all egress requirements found in local, state, and/or federal codes.
- M. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers.
- N. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineering.
- O. All items requiring the structure to be structurally designed/modified shall be sealed by a State licensed design professional qualified to do such work.
- P. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.

Section 2.2.4.20 Accessory Dwelling Units

One accessory dwelling unit per lot may be allowed by Conditional Use Permit in the indicated zoning districts in Section 2.1.6 under the following conditions:

- 1. The accessory dwelling unit shall fit within the allowable development area of the lot.
- 2. The total square footage of the ADU shall not exceed the lesser of 1,000 square feet or 40% of the square footage of the principal dwelling, excluding the garages, carports, and space used for mechanical equipment, such as heating, utilities and water heater or pumps. Any other unfinished space in a basement is included in the square footage to allow it to be furnished in the future. The calculation for the principal dwelling shall be based on the floor area as of the date the special permit is filed.
- 3. No more than two bedrooms are allowed in the ADU. Bedroom shall mean any room or space used or intended to be used for sleeping purposes.
- 4. The owner of the lot is required to live on the property in either the principal dwelling or the ADU. The owner of the lot shall file with the Floyd County Recorder, a deed restriction agreement on the property stating the accessory dwelling cannot be sold separately from the principal dwelling.

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The deed restriction agreement must be to the satisfaction of the City Attorney. The deed restriction agreement shall be filed prior to any zoning permit for the ADU.

5. The ADU must share the same access point to the public or private street as the principal dwelling.
6. The ADU must meet the same setback requirements as the principal dwelling of the district. The height of the ADU must meet the height limit of the district for a dwelling but be no higher than the principal dwelling.
7. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.
8. The ADU must share utilities with the principal dwelling unless the owner can demonstrate a practical problem with sharing due to the topography or other unique site considerations.

Section 2.2.4.21 Short-term Rentals

This section is intended to apply strictly to the use of property for short-term rentals within the unincorporated areas of Charles City.

1. Performance Standards

- A. Said short-term rental shall be located in a primary residential structure.
- B. Said short-term rental shall not be allowed in any dwelling considered part of a multi-family dwelling including duplexes, single-family attached units or larger.
- C. Said short-term rental shall not be located in an accessory dwelling unit.
- D. Said short-term rental shall not allow the property to be used for party rentals.
- E. Said short-term rental shall not be used for any type of illegal activities as defined by state and federal laws.
- F. Said short-term rental shall file the required lodging taxes with the county and state.
- G. Said short-term rental shall properly maintained including structural maintenance and the grounds.
- H. Said short-term rental shall meet all state and federal life safety codes and display said permits in a prominent location.
- I. Said short-term rental shall not increase the normal level of traffic in the immediate area.
- J. Said short-term rental shall not be used for any of the following:
 - 1) Housing sex offenders.
 - 2) Operating a structured sober living home or similar enterprise.
 - 3) Selling illegal drugs.
 - 4) Selling alcohol or another activity that requires a permit or license under the Iowa Liquor Control Act; or
 - 5) Operating a sexually oriented business.

2. Remedies

Failure to comply with the regulations in Section 2.2.4.21(1), may result in any permit for a short-term rental to be revoked.

Section 3:

Land Development Regulations

3.1 Land Development Regulations

3.2 Site Plans

3.3 Site Design Standards

3.4 Parking Regulations

3.5 Sign Regulations

Section 3.1 Land Development Regulations**Section 3.1.1 Intent Statement:**

Because each new subdivision accepted by the City becomes a permanent unit in the basic physical structure of the future community and to which the future community will, of necessity, be forced to adhere, all subdivisions hereafter planned within the incorporated limits of the City of Charles City, and within two miles of the unincorporated Floyd County, shall in all respects be in full compliance with the regulations hereinafter contained in this Ordinance. These regulations are designed to provide for the orderly and harmonious development of the City of Charles City for the coordination of streets within new subdivisions with other existing or planned streets, and to secure a uniform system of utilities and services, and otherwise to promote realization of the Comprehensive Plan of the City of Charles City.

Section 3.1.2 Jurisdiction:**1. Outside City.**

In accordance with the provisions of Section 354.9 of the Code of Iowa, these regulations shall apply to the subdivision of land within two miles of the corporate limits.

The City Council shall have the right to waive such requirements as are contained in this Ordinance 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 Floyd County Board of Supervisors furnish the Commission and Council with a copy of said subdivision 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 extension 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 of Charles 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 Recorder in accordance with the provisions of existing statutes.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two miles of the City of Charles 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 of Charles 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 construction specifications.

Section 3.1.3 Definitions for Land Subdivision:

Acquisition Plat: The graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

Administrative Officer: The City Official appointed by the City Council to assist with the administration of Land Subdivision.

Aliquot Part: A 40-acre fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

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Arterial Street (Thoroughfare, Major Street, Highway): A public right-of-way with the highest degree of traffic continuity and serving as a major trafficway for fast or heavy traffic between the various districts of Charles City, as shown on the Comprehensive Plan.

Auditor's Plat: A plat prepared at the request of the County Auditor to clarify property boundaries for the purposes of assessment and taxation.

Block: An area of land within a subdivision that is entirely bounded by streets and the exterior boundary or boundaries of the subdivision.

Bond: 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.

City Clerk: The City Clerk of the City of Charles City, Iowa.

Collector Street: A street of considerable continuity which carries traffic from local streets to an arterial street, including the principal entrance streets of residence development and the principal circulating streets within such a development.

Comprehensive Plan: Refers to the composite of the functional and geographic elements of the Plan or any segment thereof, in the form of plans, maps, charts and textual material, as adopted by the City of Charles City.

Construction Plans: 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.

Contractor: Any person who constructs the improvements required herein.

Dead-End Street: A street presently closed to through traffic at the end and is planned for future extension.

Easement: A grant by a property owner of the specific use of a strip of land by others.

Final Plat: A map or plan of a subdivision, and any accompanying material, as described in Section 3.1.5.

Government Lot: A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

Local Street: A street of limited continuity used primarily for access to abutting properties and the local needs of a neighborhood.

Lot: A portion of subdivision or other land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Lot, Butt: A lot at the end of a block and located between two corner lots.

Maintenance Bond: 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 Ordinance, 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 have

been constructed by the contractor in accordance with this Ordinance and the City's standard specifications.

Marginal Access Street: A minor street, which is parallel to and adjacent to, or in the immediate vicinity of an arterial street and which has for its purpose the relief of such thorough fare from the local service of abutting properties.

Metes and Bounds Description: A description of land that uses distances and angles, uses distance and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

Official Plat: Either an auditor's plat or a final subdivision plat that meets the requirements of this Ordinance and has been filed for record in the offices of the recorder, auditor and assessor.

Owner: Any individual, firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under the Ordinance for themselves or for another.

Pedestrian Way (Crosswalk): A right-of-way across a block or providing access within a block, to be used primarily by pedestrians.

Performance Bond: 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 Ordinance, 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 Ordinance.

Permanent Real Estate Index Number: A unique number or combination of numbers assigned to a parcel of land pursuant to 441.29, Code of Iowa, as amended.

Person: Any individual, firm, association, partnership, corporation, trust, or any other legal entity.

Plans of Record (As-Built): Plans prepared by a registered engineer, showing the engineer's signature and certifying that the public improvements have been constructed as shown.

Plat: A map, drawing, or chart representing a proposed subdivision of land submitted by the owner with intent to record.

Plat of Survey: The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

Preliminary Plat: A tentative map or plan of a proposed subdivision, as described in Section 3.1.5.

Proprietor's Plat: A plat submitted by the owner of the land being platted, or his agent, or other private entity, acting with the consent of the owner.

Protective Covenants: Contracts entered into between private parties and constitute a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

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Street (Avenue, Highway, Road, Boulevard, Lane): A right-of-way which affords primary means of access by pedestrians and vehicles to abutting properties.

Street (Private): A road or street in a subdivision not dedicated and/or accepted by the City of Charles City as a public street but built-in accordance with standard specifications of the City of Charles City. Maintenance of said private street shall not be the responsibility of the City of Charles City.

Street (Public): A road or street in a subdivision which meets all requirements and has been constructed in accordance with the standard specifications of the City of Charles City and for which a right-of-way has been granted and accepted by the City of Charles City. Maintenance of said public street shall be the responsibility of the City of Charles City.

Street Width: The shortest distance between lines delineating the right-of-way of a street.

Subdivider: Any person commencing proceedings under this Ordinance for themselves or for another.

Subdivision: A described tract of land which is to be or has been divided into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street involved, any division of a parcel of land. The term includes subdivision and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided. However, the sale or exchange of parcels of land to or between the owners of adjacent platted lots, where such sale or exchange does not create any additional lots or non-conforming lots, shall not be considered a subdivision but shall be subject to provisions for a minor property transfer.

Subdivision Design Standards: The guides, principles, and specifications for the preparation of subdivision plans indicating among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plan.

Subdivision - Minor: The division of a lot, tract, or parcel of land that meets the following conditions:

1. All the lots of the subdivision abut an existing dedicated public road, highway, or street.
2. 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.
3. 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.

Section 3.1.4 General Provisions:

1. Interpretation

A. 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.

B. 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 or regulation, or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control.

C. 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.

D. 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 improvement shall take place or be commenced until in conformity with these regulations.

E. 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 these Subdivision Regulations unless the subdivision and streets have been approved in accordance with the provisions of these Subdivision Regulations and the street accepted by the City Council as a public street.

2. 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 completed public improvements and 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.

3. Amendments

These Subdivision Regulations may be amended from time to time by the City Council. Such amendments as may be proposed shall first be submitted to the Planning and Zoning Commission for study and recommendation. The Commission shall report within a reasonable time, after which the City Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

4. Acre Subdivision

When land is subdivided and subdivision plat shows one or more lots containing more than one acre of land suitable for future resubdivision into smaller building sites, the Commission may require that such parcel of land be so subdivided as to allow for future streets and the extension of the existing street system to the acre.

5. Auditor's Plats

The Commission and Council shall have the right to waive provisions governing preliminary and final approval and public improvements for Auditor's Plats providing there is on file with the City a copy of the request of the County Auditor ordering such plat and a letter from the Auditor stating that the plat as

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submitted meets the requirements for which the Auditor has ordered the plat. An Auditor's Plat shall not be construed to mean a subdivision.

6. Vacation of Plats

Shall be in accordance with the provisions of Sections 354.22 and 354.23 of the Code of Iowa.

7. Variations and Exceptions

Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development of unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardship or injuries, the Council, upon written recommendation of the Commission, may modify or vary such requirements to the end that the subdivider is allowed to develop the property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of these regulations and granted with a view toward protecting the public welfare and interest of the City and surrounding area.

8. Fees

A. Filing Fee.

Before a preliminary plat or final plat shall be considered by the Commission, the applicant or agent shall deposit with the City Clerk a filing fee as established by the City Council. The appropriate fees shall be deposited at the time of filing of each of the preliminary plat and final plat. The schedule of fees shall be posted in the office of the City Clerk and may be periodically altered or amended by Resolution of the City Council.

B. Costs

In addition to the plat filing fees, the subdivider shall be responsible for just and reasonable costs incurred by the City for review of plats and construction drawings, and during the course of construction of the improvements for inspection, testing or other work deemed necessary by the City to assure proper construction in accordance with the approved construction drawings and applicable standards and ordinances.

9. Enforcement, Violations and Penalties

A. Enforcing Officer

It shall be the duty of the Administrative Official or person designated by the City Council to enforce these regulations and to bring to the attention of the City Council of any violations or lack of compliance herewith.

B. Action by Law or Equity

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises and these remedies shall be in addition to penalties for violation of this Code of Ordinances.

Section 3.1.5 Platting Procedures and Plat Requirements:

1. Preliminary Platting Procedure

Prior to the filing of a preliminary plat, the subdivider shall consult with Administrative Official of the City to become familiar with the regulations of the Ordinances and Comprehensive Plan concerning the ultimate land use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots, and the sanitary and water services required for the lots.

A. Pre-Application Process

Prior to the filing of a preliminary plat, the subdivider shall consult with Administrative Official of the City to become familiar with the regulations of the Ordinances and Comprehensive Plan concerning the ultimate land use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots, and the sanitary and water services required for the lots.

The purpose of the "Pre-Application Conference" is to afford the developer an opportunity to meet and receive information and assistance of the City, and to consult informally before preparation of the preliminary plat and before formal application for its approval is submitted to the City.

The time and place of the pre-application conference shall be set by the Administrative Official within seven days of the submission of the request and any accompanying exhibits of the development.

B. Preliminary Plat

After the pre-application conference, if the owner of any tract or parcel of land within the jurisdiction of this Ordinance does wish to subdivide or plat the same, said person shall cause to be prepared a preliminary plat of said subdivision, and shall submit nine copies of said preliminary plat and other information to the Administrative Official. The preliminary plat shall contain such information and data as is required by this Ordinance.

C. The Administrative Official shall immediately transmit seven copies of the preliminary plat to the Planning and Zoning Commission, one copy to the City Engineer, and one copy to the Utility Advisory Board.

D. The Planning and Zoning Commission may, at its discretion, hold a public hearing on the preliminary plat; consider the recommendations of the City Engineer and Administrative Official as well as the following factors:

- 1.) The relation of the proposed subdivision to the Comprehensive Plan and public interest, and conformance with the City Zoning UDO, and plats within two miles of the City with the County Zoning Ordinance.
- 2.) The effect of the proposed subdivision on the environment.
- 3.) The compliance of the proposed subdivision with the provisions of this Ordinance.
- 4.) The suitability of the area for the proposed development, with special attention to site features such as topographic and subsurface conditions.
- 5.) The availability of utilities and various public services such as police and fire protection, schools, parks and solid waste disposal.
- 6.) The availability of access from existing highways and streets and the nature of the altered traffic pattern that may result from the proposed subdivision.
- 7.) The use of sound planning and engineering practices in developing the plat and its features.

- E. The Commission shall, within 45 days of receipt of the plat, submit its recommendations to the City Council whether of approval, modification or disapproval, stating its reasons, therefore. The subdivider, may, however, agree to an extension of time not to exceed 60 days. A copy of the recommendation shall be forwarded to the subdivider.
- F. The City Council, upon receipt of the Commissions' recommendation, or after the 45 days or any extension thereof shall have passed, shall by resolution grant approval of or reject the preliminary plat. If the preliminary plat is rejected, the City Council shall advise the subdivider of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the City Council shall constitute approval to proceed with preparation of the construction plans and final plat but shall not be deemed approval of the subdivision.

2. Construction Plans

- A. 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 by the City. The construction plans and specifications shall be reviewed by the City Engineer and upon its 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 completed within one year of the approval of preliminary plat, unless an extension is granted by the City Council.
- B. 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 roadways and 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.

3. Final Platting Procedure

- A. A final plat shall be submitted within one year of the approval of the preliminary plat, and approval of public improvements of at least one phase of the preliminary plat or such approval shall expire, and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.
- B. Procedures for final plats shall be the same as set out for preliminary plats above, except that a public hearing shall not be required.
- C. Upon approval of the final plat, a certification of approval signed by the Mayor and attested by the City Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with the County Auditor and County Recorder, along with such other certifications and instruments as may be required by law.

4. Minor Plat

- A. To simplify the approval procedures in those subdivisions for which all required public improvements are in place, the minor subdivision will waive the preliminary plat procedure and requirements when the conditions below have been met.
 - 1.) Upon recommendation and determination of the Administrative Official with the recommendation of the City Engineer that the proposed subdivision meets the conditions as specified in definitions section.
 - 2.) Subdivision - Minor, a developer may be permitted to proceed with a minor subdivision.
 - 3.) The minor plat shall be processed in the same manner as required for final plat.

5. Auditor's Plat

With regard to Auditor's Plats as distinguished from proprietor's plats the Commission and City Council shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections 1, 2, 3 and 4 of this section.

- A. Providing there is on file with the Commission a copy of the request of the Floyd County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

6. Plat of Survey

According to Iowa Code 355.7 a plat of survey shall be made, showing information developed by the survey, for each land survey performed for the purpose of correcting boundaries, correcting descriptions of surveyed land, or for the division of land. Each plat of survey shall conform to the following provisions:

- A. The original plat drawing shall remain the property of the surveyor.
- B. The size of each plat sheet shall not be less than eight and one-half inches by eleven inches.
- C. The scale of the plat drawing shall be clearly stated and graphically illustrated by a bar scale on every plat sheet.
- D. An arrow indicating the northern direction shall be shown on each plat sheet.
- E. The plat shall show that the survey is tied to a physically monumented land line which is identified by two United States public land survey system corners, or by two physically monumented corners of a recorded subdivision.
- F. The plat shall show the lengths and bearings of the boundaries of the parcels surveyed. The course of each boundary line shown on the plat may be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line or an offset line having a shown course. The bearings shall be referenced to a United States public land survey system land line, or recorded subdivision line. If the boundary lines show bearings, lengths, or locations which vary from those recorded in deeds, abutting plats, or other instruments of record, the following note shall be placed along the lines. Recorded as (show recorded bearing, length, or location). Bearings and angles shown shall be given to at least the nearest minute of arc.
- G. The plat shall show and identify all monuments necessary for the location of the parcel and shall indicate whether the monuments were found or placed.

- H. If United States public land survey system corners control the land description, the corners shall be clearly identified on the plat including a description of the monumentation and shall indicate whether the monuments were found or placed.
- I. Control monuments shall be adequately described and clearly identified on the plat and noted as found or placed. If additional monuments are to be placed subsequent to the recording of a subdivision as provided in section 355.6, the location of the additional monuments shall be shown on the plat.
- J. Distance shall be shown in decimal feet in accordance with the definition of the U. S. survey foot. Distance measurements shall refer to the horizontal plane.
- K. Curve data shall be stated in terms of radius, central angle, and length of curve, and as otherwise specified by local ordinance. In all cases, the curve data must be shown for the line affected.
- L. The unadjusted error of closure shall not be greater than one in five thousand for an individual parcel.
- M. If any part of the surveyed land is bounded by an irregular line, that part shall be enclosed by a meander line or an offset line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary and shown with as much certainty as can be determined or as "more or less", if variable. In all cases, the true boundary shall be clearly indicated on the plat.
- N. The plat shall be captioned to show the date of the survey and shall be accompanied by a description of the parcel.
- O. The plat shall contain a statement by a surveyor that the work was done, and the plat was prepared by the surveyor or under the surveyor's direct personal supervision, shall be signed and dated by the surveyor, and shall bear the surveyor's Iowa license number and legible seal.

7. Permits

Following the submittal of Certification of Recording of the final plat, the applicant or property owners within the recorded plat may make application to the City for the certificate of zoning compliance and/or building permits, in accordance with the City's regulations. Occupancy permits will not be issued until the above procedures have been completed.

8. Plats within two-mile of Charles City

- A. The procedure for plats within two miles of Charles City shall be in accordance with provisions of Section 354.9 Code of Iowa and the same as set out for preliminary and final plats in Sections 1, 2, 3 and 4 of this Section, and as hereinafter provided.
 - 1.) The subdivider shall also file such plats with the County in accordance with its established procedures.
 - 2.) The Commission shall submit its recommendations to the County.
 - 3.) If action by the County is in accord with the recommendations of the Commission, the City Council shall concur with such action, provided that the design standards and improvements required are not less than those established herein.
 - 4.) The City Council shall have the right to waive such requirements, as are contained in this Ordinance, for such subdivisions whenever the City Council, upon recommendation by the Commission is satisfied that equally suitable regulations have been placed on these subdivisions by the Board of Supervisors of Floyd County.
 - 5.) A plat shall be considered to have been approved and authorized for filing with the County Auditor and County Recorder only after it has been approved by the City Council, as prescribed by this Ordinance and by the Floyd County Board of Supervisors.

9. Professional Assistance

The City Council or the Planning and Zoning Commission may request such professional assistance as deemed necessary to properly evaluate the plats submitted.

10. Performance Bond

Before the final plat of any area shall be approved by the City Council and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may, subject to approval by the City Council and recommended by the Planning and Zoning Commission, post a performance bond, approved by the City Attorney and City Treasurer, with the City Council, which bond will ensure to the City that the improvements will be completed by the subdivider within one (1) year after approval of the preliminary plat. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the City Engineer. If the improvements are not completed within the specified time, the City may use the bond or any portion thereof to complete same. For plats located in unincorporated areas within two miles of the corporate limits, the Commission and Council may waive the requirements of this section provided they are satisfied that the subdivision regulations of the County governing the area within which the subdivision is located are sufficient to ensure adequate conformance with these regulations.

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 Ordinance and City specifications.

Section 3.1.6 Preliminary Plat

Preliminary plats submitted to the City for approval shall contain and show on the plat drawing the following information.

1. General

The preliminary plat of a subdivision is not intended to serve as record plat. Its purpose is to show on a map all information needed to enable the Commission and City Council to determine whether the proposed development is in public interest.

2. Identification and Description

- A. Proposed name of subdivision (not duplicating name of any plat heretofore recorded in Floyd County - as the case might be).
- B. Legal description of the plat.
- C. Names and addresses of owner, or subdivider having control of the tract, name and seal of registered surveyor who prepared topographic survey, and designer of the plan.
- D. Graphic (engineering) scale not smaller than one inch to 100 feet.
- E. North point (designated as true north).
- F. Date of initial preparation and subsequent revision dates.

3. Existing Conditions

- A. Boundary line of proposed subdivision clearly indicated.
- B. Total approximate acreage therein.
- C. Existing zoning districts.
- D. Location, widths and names of all existing or previously platted streets or other rights-of-way, showing type of improvement, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements and section and corporate lines, within the tract and to a distance of 100 feet beyond the tract.

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- E. Location and size of existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of 100 feet beyond the tract, and also indicating such data as grades, invert elevations and locations of catch basins, manholes and hydrants.
 - F. Location map, drawn at a scale of not less than one-inch equals 1,000 feet, showing boundary lines of adjoining unsubdivided or subdivided land, within an area bounded by nearest arterial streets or other natural boundaries identifying type of use and ownership of surrounding land and showing alignments of existing streets.
 - G. Topographic data including existing and proposed contours at vertical intervals of not more than two feet except in extreme topographical conditions or as determined by the City Engineer such vertical intervals may be not more than five feet. Topographic data shall refer to the FEMA FIRM Maps. Water sources, marshes, rock outcrops, other significant features, and soil boring data at locations and depths as may be required by the Planning and Zoning Commission.
 - H. Locations of or reference to locations of existing monuments or survey markers used in preparation of survey and grade elevation or each monument and marker.
 - I. The 100-year flood limits of drainage courses and streams.
4. **Subdivision Design Features**
- A. Layout of streets - showing right-of-way widths and street names (not duplicating name of any street heretofore used in the City or its environs, unless street is an extension of or in line with an already named street- in which event that name shall be used) and showing proposed through streets extended to boundaries of subdivision.
 - B. Location and width of alleys, pedestrian ways, and utility easements.
 - C. Existing and proposed center line, and roadway width of each street and alley.
 - D. Typical cross-sections of streets together with an indication of the proposed storm-water runoff.
 - E. Layout, numbers and typical dimensions of lots to the nearest foot, and proposed land use for each lot, parcel or tract.
 - F. Minimum front and side-street building setback lines - indicating dimensions.
 - G. Layout of sidewalks and recreation trails.
 - H. Areas intended to be dedicated or reserved for public use - indicating, in each, the approximate area in acres.
 - I. Source of domestic water supply and type of sewage disposal, locations of sites for community domestic water plant and/or community sewage treatment plant.
 - J. Layout of utility systems including sanitary sewer, water and storm sewer systems.
 - K. Where municipal water supply and sanitary sewers are reasonably available, the subdivider shall connect to these utility systems. Where municipal systems are not available, proposed water supply and sewage treatment shall be indicated on the plat. The City Council may require "dry sanitary sewers" within a subdivision which is reasonable for future connections to municipal sewer system.
 - L. Percolation test results as approved by Floyd County shall be provided to the City for subdivisions with individual water supply and wastewater treatment system.
 - M. Stormwater management plan of the subdivision with stormwater drainage computations where retention and/or detention facilities are proposed.

Section 3.1.7 Final Plat

- 1. **General**
 - A. Preparation. The final plat of the proposed subdivision is intended to serve as the record plat. The final plat shall be prepared from an accurate survey

by a licensed land surveyor. Plat boundary, lot dimensions and bearings, street locations, area and bearings and the location of all land dedicated to the City for public purposes shall be accurately shown to scale and shall comply with Chapters 354 and 355, Code of Iowa within the tolerances established by the Code of Iowa.

- B. Preliminary Plat on File. A final plat shall not be submitted until the preliminary plat has been approved by the City Council.
- C. Conformity with Preliminary Plat. The final plat shall be submitted in substantial conformance with the approved preliminary plat.
- D. Exhibits. Accompanying material shall not be shown on the plat drawings but as separate exhibits.
- E. Accompanying Material. All accompanying material shall be deemed a part of the final plat. Any action taken on the accompanying material shall be considered the same and in effect as action on the plat.

2. Contents of Final Plat

All plats submitted shall contain and show on the plat drawing the following items:

- A. Identification. The name under which the proposed subdivision is to be recorded, compass point, date and scale.
- B. Legal Description. Complete legal description of the property being platted and its acreage. Legal description shall be metes and bounds. The boundary shall be accurately tied to section corners as required in Chapter 355.8 of the Code of Iowa.
- C. Reference Ties. Reference ties to section corners found or set as reference monuments for plat shall be in accordance with Chapter 355.11 of the Code of Iowa.
- D. Surveyor. Names and address of the land surveyor.
- E. Streets, Railroads and Rights-of-Way. Names, widths, and location of all existing or proposed streets, alleys, railroads and other public rights-of-way in the proposed subdivision.
- F. Existing Easements. Location and character of all existing easements within the proposed subdivision including notation of recorded book and page number.
- G. Park Land Dedication. The location and size of the parcel of land, if any, that the subdivider is dedicating to the City for park purposes. If the City has elected to accept a voluntary cash contribution in lieu of actual land dedication, such contribution shall be submitted with the final plat.
- H. Survey Data. Sufficient data shall be shown to positively describe the bounds of every lot, block, street, easement, or other areas shown on the plat, as well as the outer boundaries of the subdivisions. All distances shall be shown in feet to the nearest one-hundredth (1/100th) of a foot. The course of each such line shown on the plat shall be indicated by a bearing reference. All bearings and angles shown shall be given to at least the nearest 30 seconds of arc. Curve data for control lines such as boundary lines, etc. shall include as a minimum radius, central angle, curve length, chord, chord bearing, tangent, and degree of curvature. Curve data for all other lines shall include as a minimum radius, central angle, curve length, chord and chord bearing.
- I. Lot Numbers. Proposed lot numbers as designated on the approved preliminary plat.
- J. Public Sites. Any proposed sites for schools, parks or other public or semi-public areas as shown on the approved preliminary plat.
- K. Boundaries. Boundaries of the proposed subdivision shall be indicated by a heavy line.
- L. Monuments. All monumentation as required by Section 355.6 Code of Iowa, shall be designated on the plat and a legend provided describing the monuments, surveyor's cap number and the date the monuments will be or were set.

- M. Setback Lines. Building setback lines shown on all lots in accordance with the zoning classification.
- N. Proposed Easements. Proposed easements for public utility purposes.
- O. When a proposed entrance of the subdivision is onto a controlled access street or road, letter of approval of the City's Engineer regarding such entrance shall accompany the final plat. Where such control is exercised by the Iowa Department of Transportation, the approval of this body shall accompany the final plat.
- P. Land Surveyor's Certificate. Certification of land surveyor.
- Q. Any plat not containing all of the information specified above shall not be considered by the Commission.

3. Material to Accompany Final Plat

The following material shall be submitted for Commission and Council consideration:

- A. Final Plat. The final plat of the subdivision in substantial conformance of the preliminary plat.
- B. As-Built Construction Drawings. Construction drawings as approved by the City Engineer and City Council.
- C. Protective Covenants. The protective covenants applicable to the plat. Protective covenants shall be noted on the final plat, or appropriately referenced thereon.
- D. Deed. A deed to the City, properly executed, for all streets, park areas and any other property intended for public use.
- E. Owner's Certificate. A certificate by the owner and spouse, if any, that the subdivision is with free consent and is in accordance with the desires of the owners. This certificate must be signed and acknowledged by the owner and spouse before notary public to take the acknowledgments of deeds.
- F. Such other documents as are required by Section 354.11 Code of Iowa which shall be submitted to the County Recorder, prior to recording including a statement from the mortgage holders or lien holders, if any, an opinion by an attorney-at-law who has examined the abstract of title of the land being platted, a certified resolution by each governing body as required by Section 354.8, and a certificate of the treasurer that the land is free from certified taxes and certified special assessments.
- G. Performance bonds in the amount and form in conformance with these regulations if applicable.
- H. Maintenance bonds in the amount and form in conformance with these regulations.
- I. Resolution Accepting Public Property. Resolution of acceptance for public property to be deeded to the City.
- J. Resolution Accepting Final Plat. A prepared resolution for the City to accept the final plat.

4. Minor Plat

- A. Purpose and Intent. To simplify the approval procedures in those subdivisions for which all required public improvements are in place, the minor subdivision will waive the preliminary plat procedure when the conditions below have been met.
- B. Procedure. Upon the recommendation from the pre-application conference, the determination of the Administrative Official with the recommendation of the City Engineer that the proposed subdivision meets the conditions as specified in Section 3.1.2 Definitions; Subdivision-Minor, a developer may be permitted to proceed with a minor subdivision.
- C. Application. The application for a minor subdivision shall be submitted to the Administrative Official prior to the Planning Commission meeting at which time the plat is to be acted upon. The following shall be submitted with the application:

- 1.) Application fee.
- 2.) Number of copies of the plat as required by the Administrative Official.
- 3.) Statement listing all owners of record of the land being platted.
- 4.) A list providing property addresses, owner and their mailing addresses of all properties within 200 feet of the exterior boundaries of the plat obtained from the Floyd County Recorder's office.
- 5.) Any other supplemental material as required for final plat.

D. Application Acceptance or Refusal

Upon submittal of the minor subdivision plat, the Administrative Official 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 Engineer may refuse to proceed with a minor subdivision plat if one or more of the following conditions are present.

- 1.) The proposed lots violate the City's zoning or subdivision ordinance.
- 2.) The plat would require the dedication or vacation of any public right-of-way.
- 3.) The plat would require the vacation of any necessary easements.
- 4.) In the opinion of the City Engineer, additional public right-of-way should be dedicated.
- 5.) In the opinion of the City Engineer, the plat does not conform to the Comprehensive Plan or other plans for the area.

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.

E. Planning Review

The City Clerk shall provide copies of the plat with a request for written comments in seven days from the City Engineer, City Attorney, and any other utilities or governmental officials that are deemed necessary.

F. Planning and Zoning Commission Review

The minor subdivision plat shall be reviewed by the Planning Commission in accordance with Planning Commission review of a final plat.

G. Planning and Zoning Commission Action

The Planning Commission shall act on minor subdivision in accordance with Planning Commission action of a final plat.

H. City Council Action

The minor subdivision plat presented to the City Council shall be identical to the plat acted upon by the Planning Commission. Upon approval of the minor subdivision plat by the City Council, a certificate of recommended approval by the Planning Commission and approval by the Mayor of the City shall be signed. The minor plat shall be signed by the Chairperson and Secretary of the Planning Commission, and the Mayor and Clerk.

I. Approve Minor Subdivision Plat Recording

The minor subdivision plat shall be recorded in accordance with final plat recording provisions including supporting documentation to accompany final plat.

J. Minor Subdivision Plat Limit

The minor subdivision plat shall become null and void in accordance with final plat provisions unless an extension is granted per said section.

K. Minor Subdivision Plat Information

The minor subdivision plat shall be prepared in accordance with the final plat requirements.

Section 3.1.8 Bonds**1. Performance Bond****A. General**

Before the City Council approves the final plat, all of the improvements required shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements and agreements between the Subdivider and the City. This requirement may be waived if the Subdivider will post a cash or corporate surety bond or certified check or surety approved by the City Council with the City, guaranteeing that said improvements will be constructed within a period of one year from acceptance of the preliminary plat. Such performance bonds shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. This requirement may also be waived if the City is constructing the improvements, or, if the city has entered into a development agreement with the Subdivider under the terms of which financing for the construction of the improvements is derived from tax revenues committed by the City or from a combination of tax revenues and money committed from other sources which the City deems to provide sufficient assurance that the improvements will be completed within one year from the acceptance of the preliminary plat.

B. Separate Bonds Required

A separate bond shall be posted for each phase of the construction such as sanitary sewer, water main, storm sewer, pavement, sidewalks, etc.

C. Amounts

Bond amounts will be determined by submitting to the City the quantities of work to be completed and cost estimates therefor as prepared by the subdivider's engineer for the improvements involved. All estimates shall be approved by the City Engineer with recommendation to the City Council.

D. Approval

All bonds shall be approved by the City Council as to amount and surety and conditions. The Council may at any time during the period of such bonds accept a substitution of principal or surety on the bond upon recommendation of the Commission.

E. Release or Reduction

The performance bond may not be released or reduced except as follows:

- 1.) The Council will not accept dedication of required improvements, nor release nor reduce a performance bond, until the City Engineer has submitted a recommendation stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed, record drawings of the improvement indicating location, dimensions, materials, and other information required by the City, that all public improvements are in accordance with construction drawings for the subdivision as prescribed in these regulations.
- 2.) A performance bond will be released upon actual dedication and acceptance of the public improvements. Partial release or reduction of the original bonds may be approved by the City Council upon dedication and acceptance of the improvements completed. The amount of the reduction shall be the ratio that the completed improvements bear to the total public improvement bonds originally submitted.

2. Maintenance Bonds**A. Posted**

The subdivider shall at the time of acceptance of the public improvements by the City Council, post maintenance bonds in an amount described herein as sufficient and as approved by the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations.

B. Separate Bonds Required

A separate bond shall be posted for each phase of the construction such as sanitary sewer, water main, storm sewer, pavement, sidewalks, etc.

C. Time Period

The subdivider shall be required to maintain all required improvements free of defects due to faulty materials and workmanship after acceptance of said improvements by the City Council for a period specified below:

- 1.) Sanitary Sewer - two years
- 2.) Water Main - two years
- 3.) Storm Sewer - two years

D. Subcontractor Bonds

Maintenance bonds posted by the subdivider's contractor may be accepted.

E. Amount

Maintenance bonds shall be in the amount of the performance bonds if performance bonds were accepted by the City.

3. Records and Requirements

The City Clerk shall maintain a record of all bonds and the expiration dates thereof. All contractors and developers whose public improvements are secured by bonds which improvements have not been completed prior to 90 days of their expiration, shall be served with a written notice by ordinary mail by the Clerk advising the developer or contractor that the improvements have not been completed. The notice shall describe the improvement, state the final date for completion, and shall inform the developer or contractor that if the improvement is not completed and accepted by the City on or before the expiration date, the City will proceed to call the bond. A copy of the notice shall be mailed to the financial institution or insurance company furnishing the bond. The written notice shall be served by mailing not less than 80 days prior to the expiration date for the completion of the public improvement.

4. Procedure on Default

In the event that the required public improvements have not been completed and accepted by the City prior to the final expiration date, the City shall, within a reasonable time thereafter, not to exceed 30 days, make a written demand upon the insurance company or financial institution furnishing the bond, and the insurance company or financial institution shall forthwith pay to the City the amount of the bond. Any action to enforce collection of the bond shall be commenced by the City within six months following the expiration date for the improvement, notwithstanding any contrary provision in the instrument. Cost of collection shall be paid by the Owner.

5. Survival of Obligation

The obligation of the insurance company or financial institution furnishing the bond shall survive the expiration date to the extent necessary to permit enforcement of the obligation by the City according to the terms of this Ordinance. Any contrary terms and provisions in the bond or letter of credit shall be of no force or effect.

Section 3: Land Development Regulations

Section 3.1.9 Subdivision Design Standards

1. Street Plan

The arrangement, character, extent, width, grade and locations of all streets shall conform to the Comprehensive Plan; and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands, to topographical conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relations to the proposed uses of the area to be served.

2. Streets

- A. All right-of-way widths for public and private streets shall conform to the following minimum dimensions in accordance with the Comprehensive Plan:

Street Classification	Required Right-of-Way (R.O.W.) (feet)
Arterial	100
Collector	80
Local	66
Cul-de-Sac Streets	60
Cul-de-Sac radius	60
Alleys	20 in residential areas / 22 in Commercial areas

- B. Right-of-way widths of major trafficways including freeways, parkways, major and secondary thoroughfares shall be in accordance with those designated on the Comprehensive Plan of Charles City.
- C. Tangents of at least 100 feet in length shall be introduced between reverse curves on arterial and collector streets.
- D. Where there is a deflection in horizontal center lines within a given block at any one point in excess of ten degrees, a curve shall be inserted with a radius of not less than:

Street Classification	Deflection in Horizontal Centerline
Arterial	500
Collector	300
Local	100

- E. Different connecting street gradients shall be connected with vertical parabolic curves. Minimum length in feet of these curves shall provide a stopping sight distance of not less than 300 feet.
- F. Local streets shall be so aligned that their use by through traffic will be discouraged.
- G. Street jogs with center line offsets of less than 150 feet shall be avoided.
- H. It must be evidenced that all street intersections and confluences.
- I. encourage safe and efficient traffic flow, and in general, be at or near right angles, avoiding acute angles. An intersection of more than two streets shall be avoided unless specific conditions of design indicate otherwise.
- J. Alleys are not permitted in residential areas - unless deemed necessary by the Planning and Zoning Commission and City Council.

- K. Cul-de-sac streets shall be not more than 500 feet in length measured along their center lines from the streets of origin to the ends of their rights-of-way, unless there are not more than 15 lots abutting the cul-de-sac. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of 100 feet.
- L. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the City Council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever an existing or dedicated half street is adjacent to a tract. A half street, where included, shall be graded at one level and the regrading or new construction of any half street shall conform to the grade and pavement of the adjacent half street.
- M. Private streets with right-of-way width as required by these regulations, enabling access to interior lots from public streets, are permitted in residential subdivisions containing lots of two acres in area and over.
- N. Provision shall be made for serving lots for residential use abutting arterial streets and highways by the use of a) local access street, b) backing lots to the arterial street with a screen planting contained in a non-access reservation along the rear property line, c) deeper lots fronting on the arterial street with rear service alleys. These methods are recommended for the purpose of providing adequate protection of residential properties and to afford separation of through and local traffic.
- O. Gradients of streets shall be at least 0.5 percent and not exceed on:

Street Classification	Gradients (%)
Arterial	5
Collector	7
Local	10
- P. All streets less than 37 feet back-to-back to have a 2.5 percent cross slope, and all streets wider than 37 feet back-to-back to have 2.0 percent cross slope of inside lane and 3.0 percent cross slope of outside lane.

3. Alleys and Pedestrian Ways

- A. Alleys shall be at least 20 feet wide, where permitted, in residential areas. Alleys, at least 22 feet wide, shall be provided in commercial areas- unless such areas are otherwise provided with off-street loading space.
- B. Pedestrian ways shall be at least 12 feet wide, and a shrub or tree hedge shall be installed at side boundary lines.

4. Easements

Easements shall be provided for any overhead or underground utility service including storm-water drainage, where necessary. They shall be not less than 20 feet wide and be established at the rear of each lot and along such other lot lines as to provide continuity of alignment from block to block. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors.

Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement to accommodate the 100-year storm occurrence flood limits substantially within the lines of such water course. It shall include an additional area of at least 15 feet in which adjoining

both edges of the established area that has been affected by damaging flood waters, as certified by the subdivider's engineer.

5. Block Standards

- A. The maximum length of blocks containing lots 75 feet and over in width shall be 1,800 feet, and the maximum length of blocks containing lots less than 75 feet in width shall be 1,200 feet. Blocks over 900 feet long may require pedestrian ways at their approximate centers. The use of additional access ways to schools, parks or other destinations may be specified by the Planning and Zoning Commission.
- B. Blocks intended for commercial, industrial, and institutional use must be designated as such, and the plan must show adequate off-street areas to provide for parking, loading docks, and such other facilities as may be required to accommodate motor vehicles.
- C. Rounded corners shall be provided at street intersections of 20 feet radius for local streets and 25 feet radius for collector and arterial streets.
- D. Where a subdivision borders on or contains a railroad right-of-way or limited access thoroughfare right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land as for; a) park purposes, b) deep residential lots backing to railroad or arterial street with planting screen in a no-access area at rear property lines of lots, or c) motor vehicle parking, business, or industry in appropriate districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

6. Lot Standards

- A. In general, lots should be as nearly rectangular in shape as practicable.
- B. Width and area of lots shall conform with lot widths and area requirements set forth in the Zoning Ordinances of the City of Charles City. In case of corner lots, the Planning and Zoning Commission may make variations to encourage the proper development of intersection design and traffic safety; and corner lots shall be increased in width by 25 percent over the width of typical interior lot except where the typical lot is 90 feet wide or more.
- C. Depth of lots shall be in accordance with City Zoning Ordinance requirements, but not less than 115 feet in depth for interior lots and 90 feet in depth for corner lots.
- D. All lots shall abut on a publicly dedicated street.
- E. Side lines of lots shall be at right angles or radial to the street line - or substantially so.
- F. Butt lots shall be planned at least five feet wider than the average interior lots in developments containing lots less than 12,000 square feet in area.
- G. Double frontage lots are not permitted except:
 - 1.) Where lots back upon an arterial street, and in such instances, vehicular and pedestrian access between the lots and the arterial street is prohibited, and

- 2.) Where topographic or other conditions render subdividing otherwise unreasonable, such double frontage lots shall have an additional depth of at least 20 feet in order to allow for a protective screen planting on one frontage.
 - H. Lots abutting upon a water course, drainage way, channel, or stream shall be an additional depth or width, as required, to provide an acceptable building site.
 - I. In the subdividing of any land, due regard shall be shown for all-natural features, such as tree growth, water courses, historic spots, or similar conditions.
7. **Acceptance of Streets**

If any plat of subdivision contains public streets or thoroughfares which are therein dedicated as such, whether located within the corporate limits of the City of Charles City or in part outside thereof, or contains existing streets located outside of said corporate limits, the approval of the plat by the City Council or the subsequent annexation of the property to the City, shall not constitute an acceptance by the City of such streets or thoroughfares, nor of the improvements constructed or installed thereon or therein, irrespective of any act or acts by an officer, agent, or employee of the City with respect to such streets or improvements.

The acceptance of such streets or thoroughfares shall be made only by the adoption of a resolution by the City Council after there has been filed, with the City Clerk, a certificate by the City Engineer certifying all improvements required to be constructed or installed in or upon such streets or thoroughfares in connection with the approval of the plat of subdivision by the City Council have been fully completed and the construction or installation thereof has been approved by the City Engineer.

Section 3.1.10 Required Land Improvements

1. General

No final plat shall be approved by the Planning and Zoning Commission without receiving a statement signed by the City Engineer certifying that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of the City, County, State and other authorities having jurisdiction. The subdivider will be required to furnish the City Engineer with any engineering calculations, including storm drainage computations, pertinent to the subdivision which he may require to adequately check the design. Improvements shall also comply with the following sections.

2. Sanitary Sewer System

A. Provided by Subdivider.

The subdivider of land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area. The subdivider shall at own 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 0.4 percent. The installation of such sewers shall be under the supervision and inspection of the City Engineer and the subdivider shall be responsible for reasonable charges for such expenses incurred by the City.

B. Design.

All sewers shall be designed by a registered engineer and sized with capacity to permit ultimate development of the sewer service area 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.

C. Connection to Municipal System.

Subdivisions located within the corporate limits of the City of Charles 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, the County and the Iowa Department of Natural Resources.

1.) 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.

2.) Where sanitary sewers of larger capacity than necessary are required as directed by the City Council, to serve the subdivision as delineated in the preliminary plat, the subdivider shall be required to pay for the proportionate benefit of the installation to his subdivision as established by the City Council.

D. Location.

All sanitary sewers shall be constructed within the street right-of-way as directed by the City Engineer.

E. 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.

F. 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 uses unless lesser size is approved by City Engineer. Duplex and townhouse 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.

G. Plans and Specifications.

Sanitary sewers shall be constructed in accordance with the approved construction drawings and Standard Specifications of the City.

3. Water Distribution System

A. Supplied by Subdivider.

The subdivider of land being platted shall make adequate provisions for the supplying of water to the platted area. The subdivider shall at own 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. The installation of such water lines shall be under the supervision and inspection of the City and the subdivider shall be responsible for all reasonable charges for such expense incurred by the City.

B. 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.

C. Location.

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

D. 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 ten feet each side of the water main center line. Additional width may be required to ensure access by City maintenance equipment.

E. 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 ¾-inch in diameter K copper for single family and duplex family housing. Multi-family, commercial or industrial land use shall be sized as required for the specific function. Service lines shall be provided with corporation cocks at the main and curb stops located as required by the City Standard Specifications. Duplex and townhouses 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.

F. 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.

G. 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.

H. Plans and Specifications.

Water system shall be constructed in accordance with the approved construction drawings and Standard Specifications of the City.

I. Over-sizing of lines

Where water mains of larger capacity are required as directed by the City Council to serve future growth in the vicinity of the subdivision, the subdivider

shall be required to pay for the proportionate benefit of the installation to his subdivision as established by the City Council.

4. Storm Sewer System

A. Provided by Subdivider.

The subdivider of land being platted shall make adequate provision for the disposal of storm water from the platted area. The subdivider shall at own expense construct a storm sewer system including all necessary piping, manholes and other necessary appurtenances to provide for the discharge of storm water 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 storm water to reach the City's storm sewer system or drainage courses 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 sump 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 sump service with the top of the post to be located within one foot above the final ground surface. The post shall be painted yellow to indicate a sump service line location.

B. 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 five-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 extension and shall conform to current City standard specifications.

C. Detention Facilities.

The City of Charles City requires stormwater detention facilities for all developments of one acre or more and for developments of less than one acre when conditions warrant.

Stormwater detention facilities in residential subdivisions may be accepted for ownership and maintenance by the City. Facilities in commercial, office, institutional, mixed use or industrial planned unit developments and subdivisions may also be accepted by the City, except where ownership of fifty percent or more of the development or subdivision is held by the same entity or is otherwise under common ownership.

Acceptance of stormwater detention facilities is subject to the following requirements:

- 1.) An owner of property of one acre or more must construct the stormwater detention facility in accordance with the subdivision plans approved by the City and must dedicate the facility to the City as a condition of final plat approval.
- 2.) The owner must continue to own and maintain the facility until (1) the facility has been fully completed, (2) 80% of the platted lots have been fully developed, and (3) adequate erosion control measures, as approved by the City, have been installed on the remaining 20% of the lots. Acceptance of the facility must be by the City Council as required by the Subdivision Ordinance.
- 3.) The owner must agree that once the City accepts the facility, periodic inspection, administrative and maintenance expenses for the facility will be assessed against the lots in the subdivision in proportion to the

acreage of each lot as a percentage of the acreage in the subdivision or planned unit development, and that the costs will be collected in the same manner as general property taxes. Such costs will be dependent upon the condition of the facility.

- 4.) Acceptance of the facility for a non-residential subdivision or planned unit development will be based on the preliminary plat approved by the Planning and Zoning Commission for a subdivision, or the conceptual development plan approved by the City.
- 5.) When the proposed subdivision may have a detrimental effect by increasing the intensity of storm water run-off into the City storm water drainage system or onto adjoining properties, detention methods may be required by the City Engineer to ensure the on-site control of said run-off.
- 6.) Design of detention facility shall be based on release rate of five-year storm occurrence event under undeveloped conditions and detention based on 100-year occurrence storm event underdeveloped conditions.

D. Location.

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

E. Easement.

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 15 feet each side of the sewer center line. Additional width may be required to ensure access by the City maintenance equipment.

F. 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.

G. 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/pedestrian access.

Section 3.1.11 Parks and Recreation

1. Purpose

This Ordinance is enacted to ensure that land is properly located and preserved, and park and recreation facilities provided to accommodate future community growth; and to further ensure that the cost of providing the community facilities necessary to serve the additional residents brought into the community through subdivision development may be most equitably apportioned on the basis of the additional public requirements created by such subdivision development.

2. Park Site Dedication and Reservation

This Ordinance is required to ensure the reservation of well-located and appropriately sized open spaces. Park areas must be created and preserved in

Section 3: Land Development Regulations

adequate quantity to provide access to all citizens as the community continues to grow. Further, these spaces must be provided for by the subdivision development that creates the demand.

A. Rationale

Requiring developers to construct and maintain private recreational facilities or dedicate such facilities to Charles City is one method of ensuring that new development takes care of the park needs created by the new residents and their families moving into the new developments. This must be done in order to promote and protect the public health, safety and welfare of the citizens that will be residing in, or occupying, the new developments.

B. Payment In-Lieu-Of Park Land.

Where dedication of land is not compatible with the general subdivision plan of the developer, the developer, at his option, may request the City to accept a cash payment in lieu of the dedication of such land. In this event, the developer may pay to the City a cash payment as hereinafter determined which shall be placed in a special fund by the City and shall be used solely for the acquisition and/or development of park and recreational lands to serve the residents of the City.

C. Comprehensive Plan Policy

The Charles City Comprehensive Plan Update report adopted by the City encourages development and renovation of existing parks, the development of trails, development and use of floodplains for passive and active recreation activities and development of soccer facilities to serve existing and new residents of the community.

3. Park Land Dedication and Development

- A. The general criteria of park land dedication shall be determined by the following formula:
- B. The following criteria will be used by the City to determine what land shall be dedicated for private or public recreational facilities.
 - 1.) The Charles City Comprehensive Plan Update report.
 - 2.) The topography, geology, access, and location of land in the subdivision that is suitable for the development of parks.
 - 3.) The size and shape of the subject property and land available for dedication.
 - 4.) The location of existing or proposed park sites and trails.

Residential Uses: Minimum Lot Area per Unit (SF)	Percent of Total Land Area (%)
25,000 to 40,000 or greater	3
8,000 to 24,999	5
2,499 to 7,999	10

4. Payment In Lieu of Dedication

A. Method of Payment.

The payment in-lieu-of land shall be based on the fair market value of the acres of land in the development that otherwise would have been dedicated as a park site. The fair market value shall be determined by the City by taking the total per-acre value of the total development and determining the proportionate value of the dedication of land required, as determined under Subsection 3. For purposes of this section, fair market value shall be determined by the following method:

- 1.) City staff, after consultation with persons having knowledge of real estate values in the City by reason of their occupations, such as realtors,

appraisers, and persons responsible for making loans on property shall establish fair market value of the property subject to approval of the report by the City Council.

- 2.) The Council shall, by resolution, thereupon establish the average per-acre fair market value, which shall be used to determine the basis for the cash contribution permitted under this Ordinance until such value is changed or amended by subsequent resolution.

B. Percentage Contribution

In no event shall any voluntary payments by developers required under the provisions of this Ordinance be in a greater percentage in relation to the total value of the land within the plat than the maximum required percentage of total land area as set forth in subsection 2. of this section.

C. Criteria for Requiring Dedication and a Payment In-Lieu-Of

There may be situations when a combination of land dedication and a contribution in-lieu-of land are both advisable. These occasions will arise when:

- 1.) Only a portion of the land to be developed is proposed as the location for a park site. That portion of the land within the subdivision falling within the park location shall be dedicated as a site as aforesaid and a payment in-lieu-of shall be accepted for any additional land that would have to be dedicated.
- 2.) A major part of the local park or recreational site has already been acquired and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a payment in-lieu-thereof maybe accepted.

5. Special Fund

All payments in-lieu-of park land collected by the City shall be deposited in a special fund to be known and designated as "special fund for the acquisition and development of park and recreational facilities" and such funds shall be used for such purposes and at such places and in such manner as shall be determined and directed by the City following recommendations by the Park Board, after consultation with the subdivider or developer, and which shall be consistent with the intent of this Ordinance; and authorization for creation of said fund is granted. Any and all interest accumulated upon such funds shall be added to the special fund and be used only for acquisition and development of parks and recreational areas including trails.

6. Procedures

A. Pre-Application Conference for Plat Submittal.

At the pre-application conference, the City, the developer and a representative from the Park Board, if available, shall review the requirements for park land dedication, and criteria and standards as described in the subdivision regulations. At the time of such conference, the Park Board shall be immediately notified, by the City, of the description and location of the land proposed to be platted.

B. Preliminary Plat.

At the time of filing a preliminary plat or site plan with the Planning and Zoning Commission, the owner or developer of the property shall, as part of such filing, indicate whether he desires to dedicate property for park and recreational purposes or whether he desires voluntarily to pay a fee in-lieu-thereof. If he desires to dedicate land for this purpose, he shall designate the area thereof on the preliminary plat or site plan as submitted, a copy of which shall be immediately delivered to the Park Board.

C. Review and Recommendation by the Park Board.

When the preliminary plat or site plan is received which proposes the dedication of park land, a copy of said plat or plan shall be immediately forwarded to the Park Board. Upon receipt of said plat or plan, the Park Board shall review the same and make recommendations and suggestions thereon with regard to placement, size, design and location of said park or recreational area. Within 15 days after receipt of a copy of said plat or plan, the Park Board shall make recommendations and the same shall be forwarded to the City Council with a copy to the Planning and Zoning Commission. Failure of the Park Board to make recommendations with the 15-day aforesaid mentioned shall be interpreted as agreement with the plat or plan as submitted.

D. Planning and Zoning Commission Action.

As a part of its recommendations to the City Council on the preliminary plat or preliminary site plan, the Planning and Zoning Commission shall make recommendations on the location of the proposed land dedication, delineating the boundaries thereof. If the developer requests to make a voluntary cash contribution in-lieu-of dedication, he must so advise the Commission which will then determine the amount of such contribution, using the formula herein above provided.

E. Prerequisites for Approval of Final Plat or Site Plan.

Where a dedication is required, it shall be accomplished by providing the City with a properly executed warranty deed, dedicating the required land to the City without cost to the City. Where fee in-lieu-of dedication is accepted, the same shall be paid in the manner hereinafter set forth:

- 1.) Method of Payment. If the developer chooses to make a cash contribution in-lieu-of land dedication, he may make payment as follows:
 - b) By payment to the City Clerk, prior to approval of the final plat.
 - c) By submitting to the Council on a form approved by the City Attorney his covenants running with the land, suitable for recording, and promising to pay to the City a proportionate part of such contribution at the time of issuance of each building permit for such subdivision. The amount of such proportionate payment shall be determined by dividing the total cash payment for such subdivision by the number of lots in such subdivision. Any payments remaining unpaid shall constitute a lien against the real estate until paid. A copy of such covenants shall be placed on file with the City Clerk.

F. Development of Dedicated Area.

It shall be the duty of the Park Board of the City to properly develop and maintain the dedicated area for park and recreational purposes.

Section 3.2 Site Plans

1. Purpose

The site plan review provisions of this section are intended to promote functional and aesthetic design of property development within the City. These provisions are intended to alleviate the potentially harmful effects on adjoining land of new development by encouraging site plans that respect their environmental, land use and economic context. Regulations of this section should ensure that new structures, utilities, streets, parking, circulation systems, yards and open spaces are designed in the most efficient, attractive and harmonious manner.

2. Application and Scope of Site Plan Review and Approval

No building permit shall be issued, and no construction, grading or other land development activity listed below may be commenced on property unless a site

plan has been submitted and approved for such activity as set forth in this section. Development activities subject to the requirements of this section may hereafter be carried out only in substantial conformance with the approved site plan and any conditions or restrictions attached thereto. Material changes shall not be made to an approved site plan without the approval of the City. A permanent Certificate of Occupancy for a new development shall be not issued until all storm water control, sanitary sewer, water mains, off street parking facilities and all other site plan requirements have been constructed and approved by the City and are fully operational.

3. Development Activities Subject to Site Plan Review

- A. Site plan review is required for construction or expansion of any building, structure or freestanding sign except single-family detached dwellings, duplexes and townhouses of not more than two units and permitted accessory structures to a single-family dwelling or duplex. Driveways to said single-family and duplex dwelling units, garages and carports shall be paved with a hard surface as defined in Section 2.03.
- B. Any change, alteration or modification in a structure or use which would require the provision of additional off-street parking spaces, additional lot area, or other substantial change in zoning requirements applicable to such structure or use.
- C. The construction or creation of any parking lot or the expansion of any existing parking lot.

4. Administrative Waiver, When Permitted

City staff may waive the requirements for site plan review for any development activity within the scope of this Article where staff reasonably believes such a waiver will not adversely affect the purposes and intent of these Regulations.

5. Site Plan Review Procedures

- A. Applicants for site plan review shall meet with City Staff and/or designees prior to submission of a site plan. The purpose of this meeting is to acquaint the applicant with site development standards and procedures. This meeting shall also serve to allow the applicant to present the scope and nature of the proposed project to City Staff and/or designees.
- B. Following the initial meeting, the applicant may submit a completed site plan for review.

6. Site Plan Application Requirements

All applications for site plan review shall be prepared to show all information currently required by the City, a list of which shall be available from the Building and Zoning Department. At least six copies are required for all site plan sheets, drawings and written information. The Building and Zoning Development staff shall coordinate review of the submitted site plan with all other appropriate City Departments.

- A. The City Engineer shall approve and regulate the construction of new streets, driveways, curb cuts and other paved surfaces, and storm water facilities, sanitary sewer and erosion control measures and facilities. Within 14 working days of receiving a site plan, the Building and Zoning Department shall notify the applicant of any approval, conditional approval or disapproval. In cases of conditional approval or disapproval, written notification shall be given for the reasons of such action.
 - 1.) Site plan approvals are valid for a period of two years from the date of approval, during which time a building permit must be applied for. Building and Zoning Department staff shall have the authority to grant one extension for a period of up to 12 months, provided the approved site plan is still compliant with all current City codes and ordinances.
 - 2.) One copy of the approved site plan shall be returned to the applicant. One copy of the approved site plan shall remain on file in the Building and Zoning Department.

Section 3: Land Development Regulations

7. Site Plan Appeals

The Board of Adjustment shall review all appeals as an Administrative Appeal or Interpretation of the regulations. Said appeal shall follow the procedures and regulations found in Article 1.4 of these Regulations.

Section 3.3 Site Design Standards

Section 3.3.1 Intent

These Site Design Standards are established in order to achieve the following goals:

1. Provide standards for the orderly development of the City and the promotion of quality sustainable development.
2. Implement the goals, objectives and policies of the Comprehensive Plan related to quality development and neighborhood compatibility.
3. Maintain and protect the value of property.
4. Maintain a high quality of life without significantly increasing public or private costs for development or unduly restricting private enterprise, initiative, or innovation in design.
5. Ensure that the placement of buildings, structures, fences, lighting and fixtures on each site shall not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
6. Preserve and enhance property values by ensuring that yards, open spaces, parking lots and public rights of way are designed and maintained with respect to plants and landscape materials.
7. Ensure that development respects land capabilities and constraints, minimizes erosion and destruction of natural amenities, and reduces conflicts between lands and uses.

Section 3.3.2 Applicability

1. **New Development:**

Development requiring a site plan under Section 3.2 on a vacant site or substantially cleared real estate shall comply with the Site Design Standards set forth herein.

2. **Redevelopment:**

Development requiring a site plan under Section 3.2 on a site with improved real estate, involving partial clearance of 25 percent or more of the building area and/or expansion of 25 percent or more of the building area existing at the time of adoption of this Code shall comply with the Site Design Standards set forth herein.

3. **Waiver from Site Design Standards:**

The City Council with concurrence of the Planning and Zoning Commission may grant waivers from the Site Design Standards of this Article, as may be reasonable and within the general purpose and intent of the site plan review and approval provisions of this Article if the literal enforcement of one or more provisions of this Article is impracticable or will exact an undue hardship because of peculiar conditions pertaining to the land in question. The affirmative vote of at least four Planning Commissioners shall be necessary to grant a waiver. The waiver may be granted subject to such conditions as the Commission may establish to ensure the general purpose and intent of the provisions of this Article are followed. At the Commission meeting, the applicant and all other interested parties shall be presented a reasonable opportunity to present their views.

Section 3.3.3 Site and Street Improvements

1. **Site Grading**

The subdivider shall grade any portion of the preliminary plat subject to development into lots so that each lot will be useable and suitable for the erection of residences or other land use structures including all required overland drainage courses within easements. Grading shall be in accordance

with the erosion control requirements of the City and the Iowa Department of Natural Resources (IDNR).

- A. A pollution prevention plan for all sites of one acre or greater including any permits required from the IDNR shall be provided to the City Engineer before any grading of the site and lots is undertaken.
- B. All stumps, trees that cannot be saved, boulders and similar items shall be removed.

3. Street Improvements

A. Street Requirements

All public and private streets shall be improved with pavements to an overall width in accordance with the Comprehensive Plan having the following minimum dimensions:

Street Classification	Pavement Width (between face of curbs) (feet)	Minimum Pavement Thickness (inches)
Arterial	Design per IDOT standards	Design per IDOT standards
Collector	31-37	7
Local	31	7
Cul-de-Sac	31	7
Cul-de-Sac Radius	45.5	

- B. Pavements in cul-de-sac turn-arounds shall have a minimum diameter of 80 feet - measured from the outside curb.
- C. Pavements shall be installed in accordance with City of Charles City standards and specifications.
- D. Curbs and gutters shall be installed in accordance with City of Charles City standard specifications.
- E. All curb corners shall have a radii of not less than 20 feet for local streets and 25 feet for intersections with arterial and collector streets.
- F. All parkways within the dedicated street area shall be graded and seeded in an approved manner.
- G. All curb cuts must be at least 25 feet from the end of the radius return at all corners.
- H. Subdrains and six- inches of granular subgrade shall be provided under street pavement in accordance with City of Charles City standard specifications unless a geotechnical soils report is provided and approved by City Engineer indicating that subdrains and/or granular subgrade is not required.

Section 3.3.4 Sidewalks

Sidewalks shall be constructed along both sides of streets within the subdivision in accordance with the City Standard Specifications. The subdivider of the land being platted shall submit to the City a performance bond guaranteeing the construction off all sidewalks within three-years of the date of the Certificate of Occupancy. The amount of said bond shall be the estimated cost of constructing all required sidewalks.

1. Sidewalks shall conform to the following standards:

- A. Location. Sidewalks shall be located in the street right-of-way adjacent to the property line and shall be five 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.

- B. Grade. The area between the curb and nearest edge of the sidewalk shall have a slope of ½- inch per foot toward the curb. This shall be the method for determining the grade of the sidewalk.
- C. Crosswalks. Crosswalks may be required in blocks over 900 feet long or in areas where curved streets require excessive out-of-distance travel. If required, they shall be located in a pedestrian way right-of-way not less than 20 feet in width, be a minimum five feet wide unless part of a trail in which case a minimum to 10 feet wide and shall be constructed by the developer.
- D. 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 finished ramp slope shall be 1 in 12.
- E. All sidewalks and walkways shall meet the ADA standards for accessibility.
- F. Clearly defined and lighted pedestrian walkways shall extend between parking areas and all building entrances.

Section 3.3.5 Streetlights

1. Required.

Streetlights will be required in all subdivisions for public streets 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, streetlights shall be placed at all street intersections and at other intermediate points as necessary, but in no case shall the streetlights be more than 300 feet apart.

3. Costs.

The owner of the land being platted shall pay the material and installation costs of all streetlights required, and the City will pay the energy costs for operation after acceptance of installation. The installation of streetlights shall be completed within one year completion of subdivision construction.

Section 3.3.6 Public Utilities

1. Underground.

All utility lines and mains including telephone, electric, cable TV, fiber optic, and street lighting lines, gas 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 or open cut subject to approval by City Engineer. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets maybe placed above ground but shall be located so as to not be unsightly or hazardous to the public.

2. Easements.

Twelve-foot-wide public utility easements shall be provided along the plat boundary and along the rear of all lots within the subdivision. Additional utility easements shall be provided alongside lot lines totaling 12 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.

4. Street Signs

Street signs shall be erected so as to identify every street within the subdivision and shall be so designed and constructed as to conform with existing street signs. They shall be installed at a height of not less than seven feet and shall be placed no less than one foot, nor more than ten, from the edge of the pavement as directed by the City Engineer.

Section 3.3.7 Landscaping and Screening Requirements

1. Intent

The landscaping and screening requirements of this section are intended to promote attractive and harmonious growth of the City. Landscaping is a fundamental component of property development. These provisions are intended to preserve and enhance property values by ensuring that yards, open spaces, parking lots and public rights-of-way are designed and maintained with respect to plants and landscape materials. This section also intends that property development should respect land capability and constraints, minimize erosion and destruction of natural amenities and reduce conflicts between lands and uses.

2. Application and Scope

No new structure, building or parking lot shall be constructed unless in compliance with the landscape and screening standards of this Article.

3. Site Landscaping

- A. Major site plans shall include a landscaping plan indicating how existing topography, natural features, and vegetation will be integrated into the overall site development. A conceptual landscape plan shall be submitted and approved prior to final site plan approval. A detailed landscape plan shall be submitted and approved prior to the issuance of a Certificate of Occupancy. All landscape plans shall be prepared to show the information required by the Planning Department.
- B. Street trees planted in the public right-of-way shall not be counted toward fulfillment of the minimum site requirements for number of trees.
- C. Existing trees to be retained on site may be counted toward fulfillment of the landscaping requirements.
- D. Parking lot landscaping requirement in Section 3.3.7 (4) shall not be counted toward fulfillment of the minimum site landscaping.
- E. The minimum required permeable area shall be 20 percent of the entire site under review.
- F. The following is the minimum landscaping requirement of trees and shrubs, by number, and the type of ground cover required for the entire site under review. Plant species used for landscaping shall be in accordance with street tree and plant lists approved by the City.
- G. Minimum tree planting requirements shall be one tree per 1,600 square feet of required permeable area. Minimum tree size shall be at least one and one-half inch caliper measured six inches from the base of the tree for a deciduous tree and six feet in height for a coniferous tree.
- H. Minimum shrub requirements at the time of planting shall be six shrubs, or one shrub per 1,000 square feet of required permeable area, whichever is greater. Shrubs shall be a minimum of 18 inches in height or a minimum of three gallons potted.

4. Street Trees

- A. In subdividing property, tree plantings adjacent to or within street rights-of-way shall be required.
- B. Tree plantings adjacent to or within street rights-of-way:
 - 1.) In any yard adjacent to street rights-of-way, trees shall be planted at a minimum ratio of one overstory tree for every 40 feet of lot frontage, or for understory trees, every 30 feet of lot frontage.
 - 2.) Trees shall be planted in the front yard adjacent to the street right-of-way or within the street right-of-way subject to approval of the City Council.
 - 3.) Trees planted shall conform to the requirements of the City Standard Specifications.

C. Recommended Species of Trees

The varieties of trees permitted by this section for the use indicated are specified in the following subparagraphs. All trees shall have a trunk diameter (measured 12 inches above the ground) of not less than 2-1/2 inches.

Understory – less than 30 feet in height at maturity		
Hawthorn	Yellowwood	Amur Cherry
Dogwood	Serviceberry	Hophornbeam
Hornbeam	Japanese Tree Lilac	Crap apples
Amur Maple	Redbud	European Hornbeam
Mayday Trees	Tartarian Maple	Horse Chestnut
Amur Cork tree	Japanese Pagoda Tree	

Overstory – more than 30 feet in height at maturity		
Sugar Maple	Kentucky	English Oak
Black Maple	Coffee tree	Shingle Oak
	Basswood	Shagbark Hickory
White Oak	Redmond Linden	Bitternut Hickory
Red Oak	River Birch Ginkgo	Thornless Honey locust
Swamp White Oak	(Male var.) Norway	Cucumber Magnolia
Chinkapin Oak	Maple White Ash	Little Leaf Linden
Shellbark Hickory	Sycamore	Black Cherry
Mockernut Hickory	Bur Oak	Paper Birch
Hackberry	Black Oak	

D. Screening Requirements

- 1) All commercial and industrial uses that abut residential, office, or institutional districts, shall maintain screening not less than six feet along the abutting property line or lines.
- 2) Screening required by this ordinance shall be equivalent to the following:
 - a) Fences with at least 50 percent opaque construction; or
 - b) Hedges, shrubs or evergreen trees of at least 30 percent opacity at the time of installation and 50 percent opacity maintained within three years of installation; or
 - c) Berms or graded slopes of not less than three feet of mean height. Such berms or graded slopes shall contain at least 50 percent living material.

E. Exterior Trash Collection Areas

- 1) Exterior trash collection areas shall include collection bins, dumpsters, and similar waste receptacles for the short-term storage and collection of trash. Trash shall include garbage, scrap, recyclables, debris and similar materials.
- 2) The storage of trash shall be limited to that produced by the principal permitted use and accessory uses of the lot. Exterior storage of trash, which could be blown into the air or strewn about by the wind, shall be prohibited.

- 3) The ground area coverage of the exterior trash collection areas shall be the area contained inside the required screening.
- 4) Exterior trash collection areas shall be located in rear or side yards only. Exterior trash collection areas shall not encroach into a front yard. The Building and Zoning Department may grant a waiver to this requirement when, due to topographic conditions or lack of a side or rear yard, conformance with this requirement is impractical.
- 5) All exterior trash collection areas and the materials contained therein shall be screened from view from the adjacent public right-of-way.
- 6) The screening shall be a completely opaque fence, wall or other feature of a height between six and 10 feet measured from the ground level outside the line of the screen. Screens built on sloping grades shall be stepped so that their top line shall be horizontal. If a 10-foot-high screen fails to shield the exterior trash collection area from view of the adjacent public right-of-way, evergreen plantings may be required in addition to the screening. Evergreen plant materials shall be selected and designed so that they will screen the area from the adjacent public right-of-way within five years.
- 7) Exposed materials used to construct the opaque screen shall be similar in appearance to materials used for exterior building walls. All exterior entrances to a screened trash area shall be provided with a gate or door of similar design to that of the screen.

F. Exterior Storage in Nonresidential Districts

Screening for exterior storage is intended to buffer surrounding property from the negative visual impact created by the storage of raw or finished goods, materials and equipment that can adversely impact the value of adjacent property. Exterior storage areas shall conform to the following:

- 1) Exterior storage of materials which could be blown into the air or strewn about by the wind shall be prohibited.
- 2) Exterior storage, where allowed, shall be screened from view from the adjacent public right-of-way and abutting residential districts or uses to a minimum height of six feet.
- 3) The screening height shall be measured from the ground level outside the line of the screening. Screens built on sloping grades shall be stepped so that their top line shall be horizontal.
- 4) Exterior storage shall not encroach to a front yard.
- 5) All exterior entrances to a screened storage area shall be provided with a gate or door of similar design to that of the screen.
- 6) The Planning Department may grant a waiver to allow screening to exceed the maximum height allowed when topography or height of individual finished products or equipment could make it impossible to completely screen a storage area from every vantage point. The Planning Department may not grant waivers to the maximum screening height for raw materials or stacked goods.
- 7) Long-term storage of products or materials in semi-trailers or shipping containers is permitted only by the issuance of a Conditional Use Permit.

G. Installation, Maintenance, and Replacement of Landscaping and Screening

- 1) Plantings shall be installed prior to the issuance of a Certificate of Occupancy unless seasonal conditions exist that may reduce the survivability of the plantings, in which case the plantings shall be installed within six months of the issuance of a Certificate of Occupancy.
- 2) Plantings shall be properly maintained in a healthy manner. Plantings that become diseased or die shall be replaced with similar plant materials. Replacement plantings shall be installed during the same or immediately following planting season.
- 3) All required screening and fencing shall be maintained and, whenever necessary, replaced in accordance with the provisions of this Article.

Section 3: Land Development Regulations

Section 3.4 Parking Regulations

Section 3.4.1 Purpose

The Off-Street Parking Regulations require developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

Section 3.4.2 Off-street Automobile Storage

1. In all districts, except B-2 District, in connection with any industrial, commercial, recreational, or dwelling use, and all other uses, space for off-street parking and storage of vehicles shall be provided in accordance with all of the following regulations except as elsewhere provide herein.
2. Off-street automobile storage or standing space shall be provided on any lot on which any of the uses or similar uses found in Section 3.4.3.
3. Off-street automobile storage or standing space shall be provided with vehicular access to a street or an alley.
4. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used. Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
5. All parking spaces shall be either paved with asphalt or concrete, unless the parking lot design standards specify otherwise.
6. All parking spaces for single-family, single-family attached, and two-family dwelling units shall be paved with asphalt or concrete from the street to the right-of-way plus 10 feet beyond the right-of-way, aggregate may be allowed after the additional 10 feet.
7. In Districts R-1, R-2, R-3 and R-4 required off-street parking for residential uses shall be provided on the lot on which the use is located.
8. In all other Districts, if the vehicle storage space or standing space required in section 3.4.3 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning and Zoning Commission and City Engineer, the City may permit such space to be provided on another off-street property, provided such space lies within 300 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
9. Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
10. Some uses may require two different use types to be calculated together in order to determine the total parking requirement, i.e. primary schools may require one a calculation for classrooms and another for assembly areas.
11. The parking requirements herein do not apply to the B-2 Downtown Business District.
12. All off-street parking conditions shall meet the ADA requirements in Section 3.4.5 of this Ordinance.
13. Parking lot edges and planting islands may be defined by concrete curb and gutter and/or incorporate approved bio-filtration methods. Parking spaces shall be defined with painted striping or other approved methods.
14. Off-street parking shall be located to the rear and/or side of buildings, when practical. When parking or parking access must be located in the front yard, a landscaped buffer shall be provided.
15. Parking bays in excess of 11 spaces shall provide landscaping at the ends of each aisle in accordance with Section 3.3.7.
16. Parking bays in excess of 20 spaces in length shall be divided by intermediate landscaped islands and provide landscaping at the ends of each aisle.
17. Where perpendicular parking spaces are used, the space adjacent to the closed end of an aisle shall be a minimum of 10 feet wide.
18. An adequate driveway throat length shall be provided to minimize traffic conflicts; the driveway throat length shall be the distance between the street and the parking lot served by a driveway. Parking spaces shall not be permitted within the driveway throat. Driveway throat lengths for commercial and industrial uses shall be determined by the City Engineer.

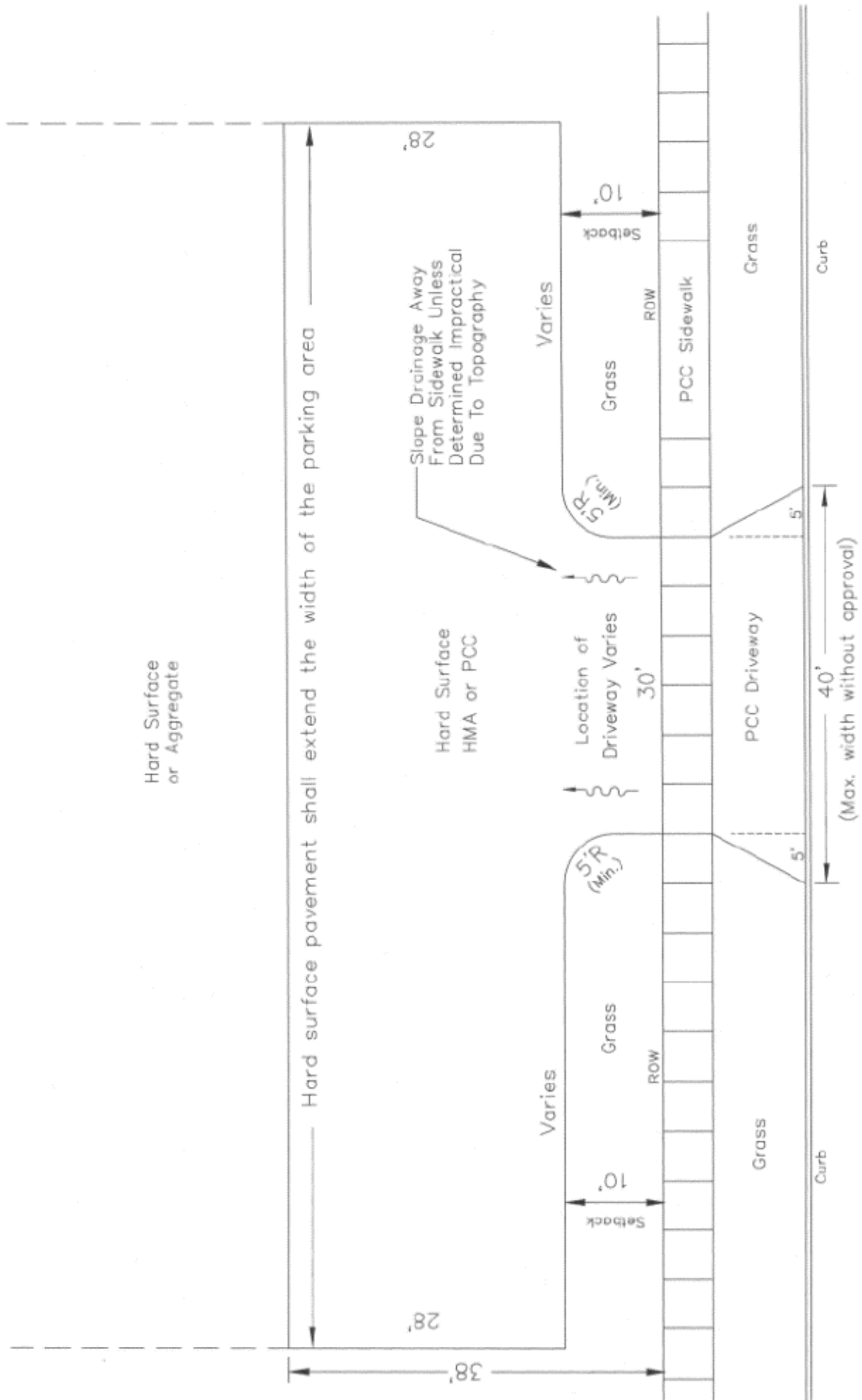
19. Parking lots which will be developed in phases require a phasing plan to identify all current and future parking lot requirements. Parking areas should be constructed incrementally to match land use build-out schedules.
20. Driveway design shall be as followed:
 - A. Driveways shall have a maximum grade of 10 percent.
 - B. Driveways and curb cuts shall be located not less than three feet from the side lot lines.
 - C. Curb cuts for straight curbs and the flare for rolled curbs shall be three feet wider than the driveway pavement on each side.
 - D. Driveways shall be constructed with widths of 32 feet or less. Widths greater than 32 feet must have approval from City Council to assure compliance with acceptable engineering and traffic design principals and standards.
 - E. Driveways constructed henceforth and connecting to a paved street or avenue shall be paved with asphaltic concrete or Portland concrete from the edge of the pavement to the property line, with allowances for public sidewalks.
 - F. Driveway approaches shall be at a depth of not less than six inches from street or avenue to the sidewalk edge. Driveways shall have half by six-inch expansion at the sidewalk edge.
21. Storage of any boat, boat trailer, camp trailer, recreational vehicle, or other vehicle shall not be permitted in any required yard; except that a boat, boat trailer, camp trailer may be placed on concrete or asphaltic concrete surfacing in a side yard or rear yard.
22. Commercial establishments providing drive-in or drive-thru services shall provide a minimum on-site stacking spaces as stated below:

Type of Operation	Minimum Stacking Spaces
Financial institution – electronic teller	Two vehicles per lane*
Financial institution – personal teller	Three vehicles per window or kiosk
Car wash – self service	Two vehicles per bay at entrance* One vehicle per bay at exit
Car wash – automatic/conveyor	200 feet per bay at entrance* One vehicle per bay at exit
Drive-thru restaurant	Four vehicles per window*
Coffee kiosk Drive-thru side Passenger side service	Four vehicles per window* Two vehicles per window*
Drive-thru Pharmacy	Two vehicles per lane*
Service Stations Service islands (4 or more pump islands side by side 18 feet a part Service bay Quick lube/Oil change	Two vehicles per pump lane* One vehicle per lane* One vehicle per bay* Two vehicles per bay*
Gated parking lot entrance	One vehicle per gate
Garage unit or overhead door (Arterials and collectors only)	One vehicle door
Other uses	Two vehicles per lane being served
* Stacking requirements are in addition to vehicle being served	
Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in the side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long. Required stacking may be reduced by approval of the City Council following site plan review by staff and the Planning and Zoning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.	

23. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Council, after receiving a report and recommendation from the Planning and Zoning Commission, based upon comparable uses listed.
24. Required parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not more than 300 feet from the building or use they are required to serve, measured in a straight line from the building.

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25. Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard but may be located within a required side yard or rear yard.
26. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:
 - A. Delineation of individual parking and loading spaces.
 - B. Circulation area necessary to serve spaces.
 - C. Access to streets and property to be served.
 - D. Curb cuts.
 - E. Dimensions, continuity, and substance screening.
 - F. Grading, drainage, surfacing and subgrade details.
 - G. Delineation of obstacles to parking and circulation in finished parking area.
 - H. Specifications as to signs and bumper guards.
 - I. Other pertinent details.
27. Design Requirements for parking lots
 - A. All off-street parking and loading areas shall conform to the following and be constructed in accordance with the Statewide Urban Design and Specifications (SUDAS):
 - 1) All off-street parking and loading areas adjacent to arterial and minor arterial streets, as defined by the Urban Federal Functional Classification Map of the Iowa Department of Transportation, shall be constructed and maintained as follows:
 - a) All off-street parking and loading areas and associated driveways with access from a paved public street or alleyway shall be paved with Portland concrete (PCC), hot-mix asphalt (HMA), or permeable pavement extending the width of the off-street parking area and/or the associated driveway for a distance of 38 feet from the public right-of-way, less any applicable set back area.
 - b) The remaining portions of such off-street parking and loading areas and associated driveways shall have an aggregate, asphalt millings, or pavement surface.
 - c) No permit shall issue for resurfacing of off-street parking and loading areas and associated driveways with access from a paved public street until a proposed parking lot layout has been submitted to and approved by the Zoning Administrator establishing compliance with this subsection. An illustration of a sample parking lot layout is set forth herein.
 - B. All off street parking and loading areas and associated driveways which are not adjacent to arterial and minor arterial streets as defined herein shall be paved with PCC, HMA, permeable pavement, or compacted asphalt millings to the same dimensions and requirements herein. The remaining portions of such off street-parking and loading areas shall have an aggregate, asphalt millings, or pavement surface.
 - C. All areas shall be graded and drained in order to collect and dispose of all surface water accumulation within the area so as to prevent storm water runoff to flow onto adjoining properties and public right-of-way.
 - D. Parking and loading areas shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
 - E. Driveway approaches, sidewalk sections within the approach, and any other area within the City right-of-way shall be constructed using PCC in accordance with SUDAS Specifications. For off street parking and loading areas, driveway approaches shall be paved using either PCC, permeable pavement, or HMA for a distance of six feet beyond the sidewalk section into the private property.
 - F. In those instances where the Building Official finds that paving cannot be completed due to adverse weather conditions, the Building Official may issue a temporary Certificate of Occupancy. The temporary Certificate of Occupancy shall be effective only to a specified date.



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Section 3.4.3 Schedule of Minimum Off-street Parking and Loading Requirements

Uses		Parking Requirements	Loading Requirements
		Commercial and Office including but not limited to:	
Adult entertainment establishments		1 space/2 persons of licensed capacity	None required
Agricultural Sales/Service		1 space/500 s.f. of gross floor area	1 space/establishment
Auditoriums/Stadiums/Arenas		1 space/4 seats in main assembly area	None required
Automotive Car Wash		5 spaces/car wash bay	1 space/establishment
Automotive Rental/Sales		1 space/500 s.f. of gross floor area	1 space/establishment
Automotive Servicing		4 spaces/repair stall	None required
Banks and Business offices		1 space/200 sf of gross floor area up to 1000 sf; then 1 /400 sf of add. Gross floor space	1 space/establishment
Boarding Houses/Bed and Breakfasts		1 space/rental unit	None required
Body Repair		5 spaces/repair stall	None required
Bowling Alleys		4 spaces/alley plus 1 space per 2 employees	1 space/establishment
Campground		1 space/camping unit	None required
Child Care Centers		1 space/employee + 1 space or loading stall/5 persons of licensed capacity	None required
Churches, Synagogues, and Temples		1 space/3 seats in main worship area	None required
Clubs, including fraternal organizations		1 space/500 s.f. of gross floor area	None required
Commercial Recreation		1 space/2 persons of licensed capacity	1 space/establishment
Communication Services		1 space/500 s.f. of gross floor area	1 space/establishment
Construction Sales/Service		1 space/500 s.f. of gross floor area	1 space/establishment
Dance Hall, skating rink		1 space/100 square feet of floor area + 1 space/2 employees	None required
Educational Uses, Primary facilities		2 spaces/classroom	2 spaces/structure
Educational Uses, Secondary facilities		8 spaces/classroom + 1 space/employee on largest shift	2 spaces/structure
Equipment Rental/Sales		1 space/500 s.f. of gross floor area	1 Space/establishment
Food sales		1 space/200 s.f. of gross floor area	2 spaces/establishment
Funeral homes, Mortuaries and Chapels		8 spaces/reposing room	2 spaces/establishment
Furniture and Appliance Stores		1 space/800 sf of floor area	1 space/establishment
General retail sales establishments		1 space/200 s.f. of gross floor area	1 space/establishment
Guidance Services		1 space/300 s.f. of gross floor area	None required
Hospitals		1 space/2 licensed beds	3 spaces/structure
Hotels and Motels		1 space/rental unit + 1 space/each 200 s.f. of public meeting area	1 space/establishment
Libraries		1 space/400 s.f. of gross floor area + 1 space/ 2 employees	1 space/structure
Medical Clinics		5 spaces/staff doctor, dentist, chiropractor	None required
Offices not providing customer services or sales on the premises		1 space/400 s.f. of gross floor area	None required
Personal Service Establishments in Commercial Districts, including: (a) Barber and Beauty Shops. (b) Tailor and Shoe Shops. (c) Apparel and Accessory Shops.		1 space/200 sf of gross floor area.	1 space/structure
Professional Offices of Attorneys C.P.A.'s, Architects, Engineers, etc.		3 spaces/1000 sf of gross floor area. For offices less than 1000 gross s.f., the minimum requirement shall be 4 spaces.	None required
Public buildings		1 space/ 3 employee, + 1 space/100 sf used for public assembly.	1 space/establishment
Restaurants w/ drive-thru		Greater of the two: 1 space/40 s.f. of dining area, or 1 space/150 s.f. of gross floor area	1 space/establishment
Restaurants (General)		Parking equal to 30% of licensed capacity	2 spaces/establishment
Roadside stands		4 spaces/establishment	None required
Service Oriented Establishments		1 space/200 s.f. of gross floor area	1 space/establishment
Taverns, Poll and Billiard Halls		1 space/3 seats, or 3 spaces/50 s.f. of gross floor area used for assembly, whichever is greater.	None required
Veterinary Establishments		1 spaces/500 square feet/staff doctor	None required
Residential/Housing including but not limited to:			
Assisted-living facilities		.5 space/dwelling unit	1 space/structure
Convalescent & Nursing Home Services		1 space/4 beds + 1/employee on the largest shift	2 space/structure
Duplex		2 spaces per dwelling unit	None required
Group Care Facility/Group Home		1 space/4 persons of licensed capacity	2 space/structure
Multi-family / Apartments		1.25 space/sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located	None required
Mobile Home Park		2/dwelling unit	None required
Residential (Single-family, attached and detached)		2 spaces/dwelling unit (1 may be enclosed or semi-enclosed)	None required
Industrial Uses including but not limited to:			
Manufacturing		1 space/2 employee on maximum shift + 1 space/company vehicle.	2 spaces/establishment
Wholesaling / Distribution Operations		1 space/2 employee on the largest shift	2 spaces/establishment
Bicycle Parking Optional			
50 to 100 parking stalls		Five bicycle spaces	-
100 to 150 parking stalls		Eight bicycle spaces	-
150 to 200 parking spaces		10 bicycle spaces	-
Over 200 parking stalls		Two additional for each 50 parking stalls	-

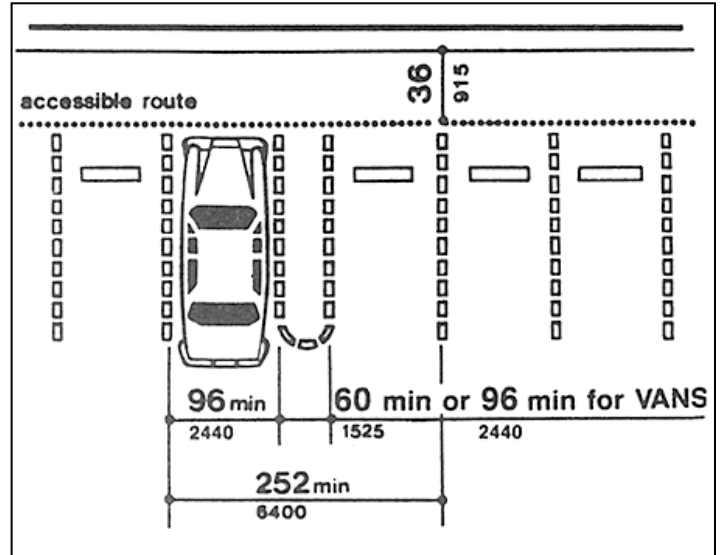
Section 3.4.4 Off-street Parking: Shared Parking Requirements

Notwithstanding the provisions of Section 3.4.3, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased by the Planning and Zoning Commission and City Council.

Section 3.4.5 Off-Street Parking: Parking for Individuals with Disabilities

1. In conformance with the Americans with Disabilities Act (ADA) and the Iowa Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 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 the total
1,001 and over	20 plus 1 for each 100 over 1,000



Source : <http://www.ada.gov/adastd94.pdf>

2. Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.
 - A. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 3.4.5 (4) this Ordinance. The vertical clearance at such spaces shall comply with 3.4.5 (5) of this Ordinance. All such spaces may be grouped on one level of a parking structure.
 - B. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
 - C. Parked vehicle overhangs shall not reduce the clear width of an accessible route.
 - D. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
 - E. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with Section 3.4.5 (6) of this Ordinance.
 - F. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with Section 3.4.5 of this Ordinance shall be provided in accordance with Section 3.4.5(1) of this Ordinance; except as follows:
 - 1) Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility.
 - 2) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
 - G. Valet parking: valet parking facilities shall provide a passenger loading zone complying with Section 3.4.5 (6) of this Ordinance located on an accessible route to the entrance of the facility. Sections above are not applicable do not apply to valet parking.

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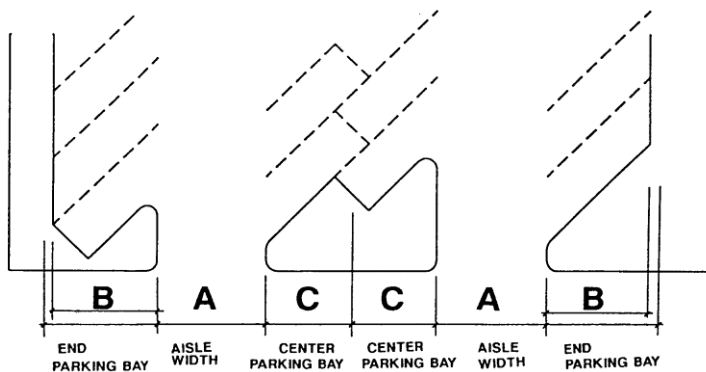
3. Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
 - A. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 - B. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
4. Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 3.4.5 (2) shall have an additional sign stating the stall is "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
 - A. Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with Section 3.4.5 (2) (A), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
 - B. Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

Section 3.4.6 Off-Street Parking Design Criteria

1. Standard parking stall dimensions shall not be less than 10 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration

	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)			
	18 feet	18 feet	16 feet



2. Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.
3. Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning and Zoning Commission and City Council upon recommendation of the City Engineer.

4. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
5. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.
6. All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.

Section 3.4.7 Parking Lot Lighting

The location and design of parking lot lighting shall conform to the following:

1. All surface parking lot lighting shall be designed, installed and maintained so that no light sources shall provide illumination onto adjacent lots, buildings or streets in excess of one-foot candle;
2. All exterior lighting luminaries shall be designed and installed to shield light from the luminaire at angles above 72 degrees from vertical.
3. Fixtures mounted on a building shall not be positioned higher than the roofline of the building.
4. Wooden utility type poles are acceptable only for temporary use during construction; and
5. All electrical service lines to posts and fixtures shall be installed underground and concealed inside the posts.
6. Lighting standards shall not exceed 22 feet in height.
7. The average maintained lighting levels for multi-family units shall not exceed 10 foot-candles at buildings/parking lots/other areas within a residential district. The maximum to average ratio shall not exceed 2.5 to 1.

Article 3.5: Sign Regulations**Section 3.5.1 Purpose**

1. The purpose of this section is to permit such signs as will not, by reason of their size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health and safety; and further, to regulate such permitted signs in a way to promote development that is not detrimental to the property values and aesthetics of the City.
2. The City does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and the Iowa Constitution. All regulations in this article are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

Section 3.5.2 Applicability

1. No person shall erect, place, relocate, expand, modify, maintain, or otherwise alter a sign, or cause a sign to be erected, placed, relocated, expanded, modified, maintained, or otherwise altered unless all provisions of this code have been met.
2. Unless otherwise provided, this article shall apply to any sign, in any zoning district, that is visible from a public right-of-way or from an adjacent property.
3. Any sign legally established prior to the effective date of this article, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section 3.5.11.

Section 3.5.3 Sign Permit Required

1. To ensure compliance with these regulations, a sign permit shall be required to be issued unless specifically exempted in this article.
2. The sign permit review process shall occur in a similar manner as a building permit.
3. A copy of plans and specifications shall be submitted to the Zoning Administrator for each sign regulated by this code, unless expressly exempted. Such plans shall show sufficient details about size of the sign, location and materials to be used and such other data as may be required for the Zoning Administrator to determine compliance with this code.
4. Any person or persons aggrieved by the decision of the Zoning Administrator to approve or disapprove a sign permit, as provided by this Ordinance, may appeal such decision to the Board of Adjustment.

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Section 3.5.4 Sign Permit Exemptions for Signs

The following signs are subject to the requirements of this article but do not require a sign permit. Permit-exempt signs may still be subject to building code or other applicable code requirements.

- A. Signs and/or notices issued by any court, officer, or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- B. Whenever any sign, either conforming or nonconforming, is required to be removed for the purpose of repair, relettering, or repainting, the same may be done without a sign permit or any payment of fees provided that all of the following conditions are met.
- C. Whenever there is an exchange of sign panels when a sign is designed to have replaceable sign faces;
- D. Changes of copy on signs with changeable copy;
- E. Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;
- F. Any sign that is located completely inside a building that is not visible from the exterior (see also definition of window sign);
- G. Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;
- H. Certain temporary signs as established in Section 3.5.9;
- I. No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:
 - A. The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum sign area of area of 40 square feet for any individual flag attached to the pole.
 - B. The maximum projection for a wall-mounted flag post is six feet and a maximum sign area of 15 square feet per flag.
- J. A single wall sign placed on the façade of an individual dwelling unit that is not illuminated and does not exceed two square feet in area.
- K. Signs that are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Iowa, Floyd County or Charles City;
- L. Any signs located on umbrellas, seating, or similar patio furniture;
- M. Ground signs and markings located completely within the interior of a lot used for a cemetery where such signs are not designed to be visible from a public street;
- N. Any sign on an operable vehicle provided the sign is permanently attached to the vehicle;
- O. Signs installed or required by a governmental agency including Charles City, State of Iowa, Floyd County, and the United States, including local and regional transit agencies;
- P. Any warning signs or traffic safety signs required by public utility providers;
- Q. Hand-held signs not set on or affixed to the ground;
- R. Any address numbers required by Charles City;
- S. Any signs, including illuminated signs, or related decorations erected in observance of religious, national or state holidays which are not intended to be permanent in nature and which contain no advertising material; and
- T. General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made. See also Section 3.5.7 (11).

Section 3.5.4 Prohibited Signs

The following types of signs are specifically prohibited within the City:

- 1. Any sign that copies or imitates a sign installed by any governmental agency or purports to have been authorized by a governmental agency;
- 2. Signs that interfere with, obstruct the view of, or are similar in appearance to any authorized traffic sign, signal, or device because of its position, shape, use of words, or color;
- 3. Signs that constitute a hazard to safety or health by reason of inadequate or inappropriate design, construction, repair, or maintenance, as determined by the building official;
- 4. Signs with moving or flashing lights except for electronic message centers as allowed in this article;

5. Beacons and searchlights, except for emergency purposes;
6. Roof signs;
7. Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way except as provided for in Section 3.4.5;
8. Signs that obstruct or substantially interfere with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
9. Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign;
10. Portable signs for more than 14 consecutive days and more than twice a year;
11. Any sign not specifically allowed by this article.

Section 3.5.5 Definitions

1. **Sign:** Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.
2. **Sign Area:** The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section 3.5.6 (3).
3. **Sign Face:** The area or display surface used for the message.
4. **Sign Height:** The vertical distance to top of sign structure as measured pursuant to Section 3.5.6 (2).
5. **Sign, A-Frame:** A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.
6. **Sign, Animated or Moving:** Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation. This definition does not include signs classified as "electronic message centers."
7. **Sign, Balloon:** A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated graphics.
8. **Sign, Banner:** A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.
9. **Sign, Canopy:** Any sign that is a part of or attached to a canopy or awning.
10. **Sign, Changeable Copy:** A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of "electronic message center."
11. **Sign, Drive-Through:** Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.
12. **Sign, Driveway:** A small permanent sign located near driveway access points and/or at the intersection of internal access drives.
13. **Sign, Freestanding:** Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. See also the definition of "ground-mounted monument sign" and "pole sign."

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14. **Sign, Illuminated:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
15. **Sign, Manual Changeable Copy:** A sign or portion of a sign where it is possible to change the copy on a frequent basis but where such sign change must be manually made and is not made electronically.
16. **Sign, Monument:** A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.
17. **Sign, Nonconforming:** Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.
18. **Sign, Permanent:** A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.
19. **Sign, Pole:** A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
20. **Sign, Portable:** Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds. A vehicle not used regularly in the operation of a business shall be considered a portable sign.
21. **Sign, Projecting:** A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall and the lowest point of which sign is not less than ten feet above the sidewalk or ground level. A projecting sign shall also include a sign hung perpendicular to the building façade to the bottom of an arcade.
22. **Sign, Sidewalk:** A temporary sign that may be placed on the sidewalk, in the public right-of-way, during business hours in accordance with this section and all other applicable ordinances.
23. **Sign, Temporary:** A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and intended for a limited period of display.
24. **Sign, T-Frame:** A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.
25. **Sign, Wall:** A sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.
26. **Sign, Window:** A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

Section 3.5.6 Measurements and Computations

1. Sign Setback

All required setbacks for signs shall be measured as the distance in feet from the lot line or right-of-way, whichever is applicable, to the closest point on the sign structure.

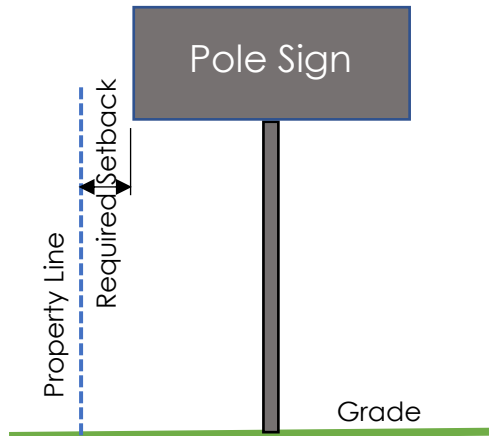


Figure 3.5.1: Pole Sign Setbacks.

2. Sign Height

- A. The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating undertaken for the purpose of locating or increasing the height of sign.
- B. The filling of a pre-existing hole or depression to create an average grade at the same level as that surrounding the hole or depression is permitted, provided such filling is allowed by other ordinances.
- C. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See Figure 3.5.6.1.

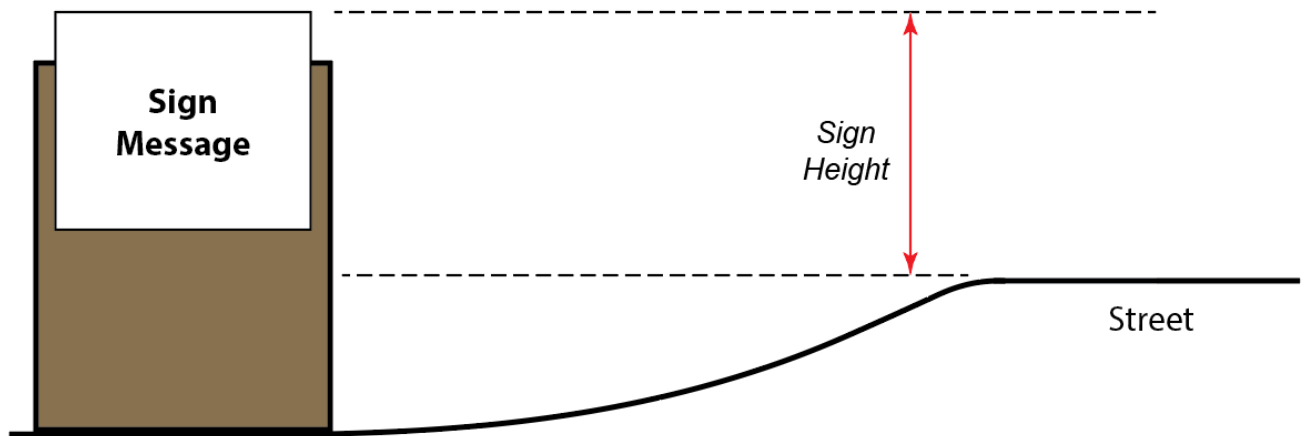


Figure 3.5.2: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

- D. Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.
- E. Where a distance is established for the clearance of a sign, such measurements shall be made from the normal grade of the ground, directly under the applicable sign or structure supporting the sign, and the bottom most point of the sign or the structure supporting the sign, whichever is closest.

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3. Sign Area

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as established in this section. For the purposes of calculating sign area, any of the following regular geometric shapes may be used: circle, ellipse, triangle, square, rectangle, trapezoid, pentagon, or hexagon.

- A. The calculation of sign area shall not include any supporting framework, bracing or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other message, as determined by the Zoning Administrator. See Figure 3.5.6.2.
- B. For sign copy mounted or painted on a background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest permitted shape, or combination of permitted shapes, that encompasses the extreme limits of the background panel, cabinet or surface. See Figure 3.5.6.2 and Figure 3.5.6.3.

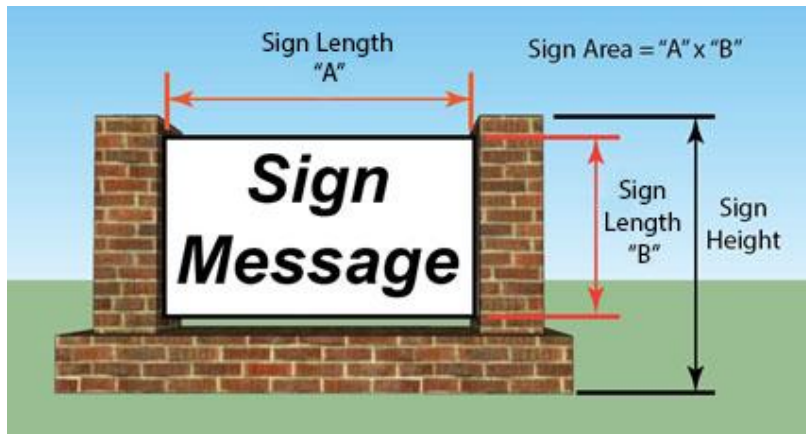


Figure 3.5.3: Illustration of sign area calculation for a ground sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.



Figure 3.5.4: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- C. For sign copy where individual letters or elements are mounted on a building façade or window where there is no background panel, cabinet or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest permitted shape, or combination of permitted shapes, that encloses all the letters or elements associated with the sign. See Figure 3.5.6.4.

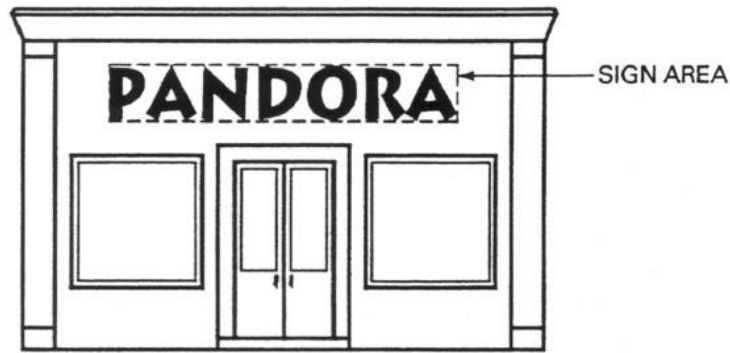


Figure 3.5.5: Illustration of sign area calculation for wall signs with individual letters.

- D. In cases where there are multiple sign elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area that shall be computed by means of the smallest permitted shape, or combination of permitted shapes, that encloses all sign copy within two feet of one another, otherwise the sign area shall be computed for each separate piece of sign copy. See Figure 3.5.6.5.

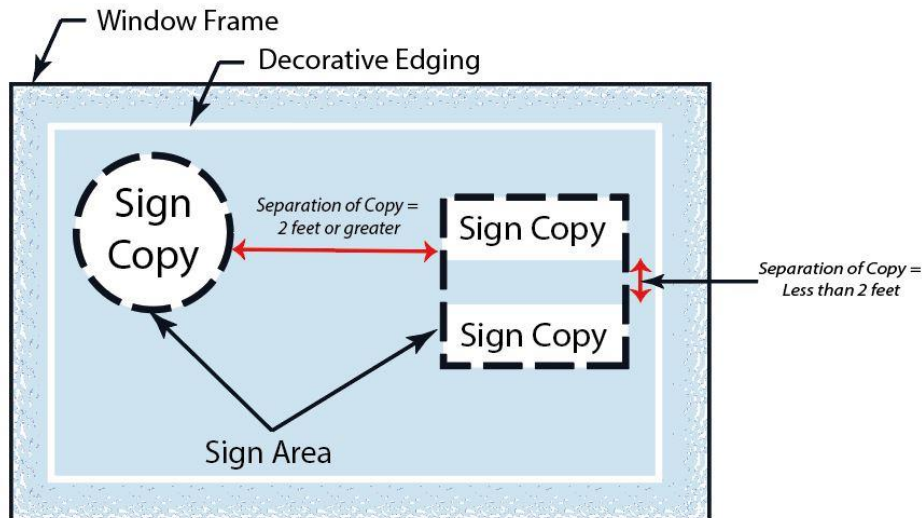


Figure 3.5.6: Illustration of sign area calculations for multiple sign areas on a window sign.

- E. Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this article. See Figure 3.5.6.5.
- F. Except for three-dimensional signs, the sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces when the interior angle is greater than 45 degrees.
- G. When two identically sized, flat sign faces are placed back-to-back or at angles of 45 degrees or less, so that both faces cannot be viewed from any one point at the same time, the sign area shall be computed by the measurement of one of the sign faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
- H. In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by the smallest permitted shape, or combination of permitted shapes, that encompasses the profile of the sign message multiplied by two. The profile used shall be the largest area of the sign message visible from any one point.

4. Façade Measurements

- A. When calculating the permitted sign area based on the width of any façade, such calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See Figure 3.5.6.6 and 3.5.6.7.

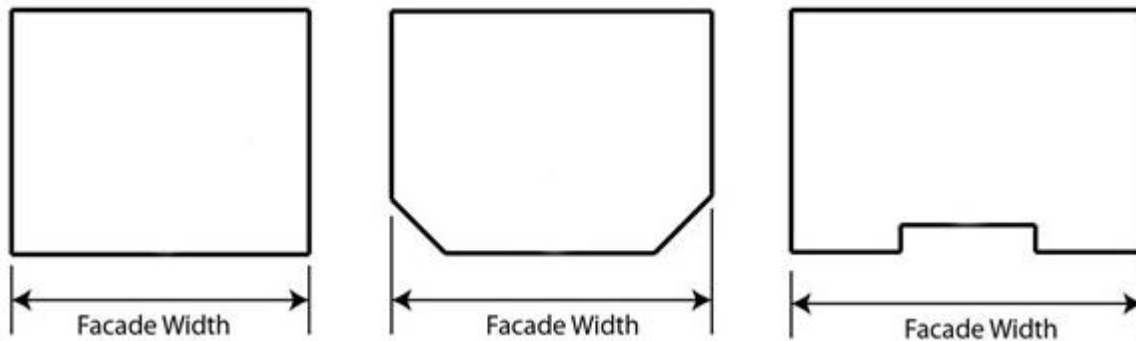


Figure 3.5.7: Illustration of façade width measurement on varied façade shapes.

- I. For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. The façade width for a building unit shall be measured from the centerline of the party walls defining the building unit.
- J. The primary façade shall be the portion of a frontage that serves as the main access point to a building or building unit. A site or building will be considered to have secondary façades when any of the following site/building characteristics are present (See Figure 3.5.6.7):
 - 1) The subject site is a corner lot;
 - 2) A façade that can be seen from any public way;
 - 3) The primary parking area is not located adjacent to a public street; or
 - 4) The building or unit has walls with public or customer entrance points that do not face the public street.

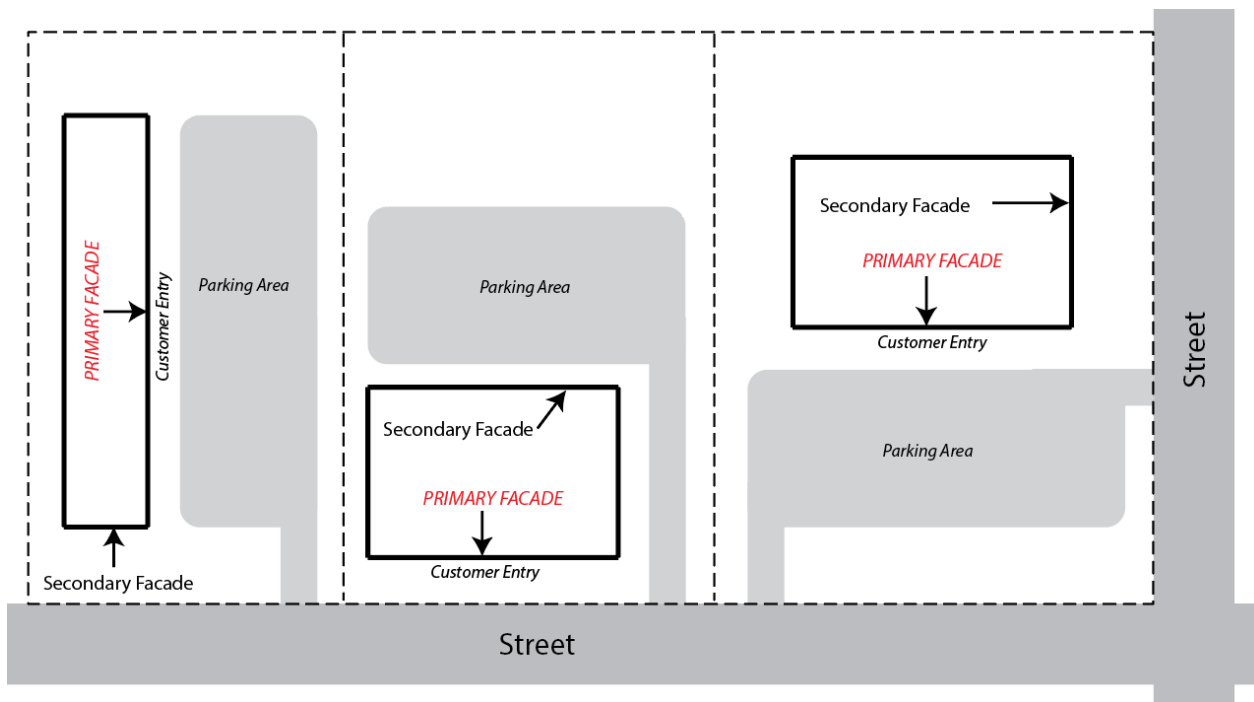


Figure 3.5.8: Common examples of the location of primary and secondary façades.

- K. When a site has primary and secondary façade as defined herein, the Zoning Administrator shall determine which wall shall be the primary building façade and which wall(s) shall be the secondary building façade. Only one outside wall of any business shall be considered its primary façade.
- L. For multi-tenant buildings where each tenant has its own exterior entrance, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. The façade width for a building unit shall be measured from the centerline of the party walls defining the building unit. For uses, such as office buildings, where multiple tenants may locate within the same building and all tenants have interior access to their tenant space, such building shall be considered one building without separate building units.

- M. The Zoning Administrator shall have the authority to make the determination of what façades are primary facades and secondary façades for the purposes of this article.

Section 3.5.7 General Requirements for All Signs

Unless otherwise specifically stated, the following regulations shall apply to all signs within the City:

1. Permanent signs are considered accessory uses and shall be accessory to a principal use provided for in this code. Temporary signs may be permitted on all lots, regardless of the presence of a principal use.
2. Wherever a sign with a commercial message is allowed or permitted under this article, an owner may replace the message with a noncommercial message, subject to the time, place and manner provisions of this article, without applying for a permit and/or paying a fee that otherwise would be required for the placement of a commercial message sign on the lot; provided, that the sign structure or mounting device is legal without consideration of message content. This provision prevails over any provision to the contrary in this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
3. If the type of any sign that legally existed prior to the effective date of this amendment is reclassified by this amendment, such sign shall be classified as the sign type defined in this article and Section and shall be subject to the applicable standards for such sign type from the effective date of this amendment. Such reclassification shall be regardless of any variances that were approved prior to the effective date of this amendment.
4. All signs shall be constructed in compliance with the applicable building and electrical codes as well as any other City regulations.
5. All signs shall be secured in such a manner as to prevent swinging or other significant noticeable movement, not including movement related to permitted electronic message centers.
6. Signs supported by or suspended from a building shall hang so as to maintain a minimum clear height of 8 feet above a pedestrian path and 15 feet above a vehicular path.
7. All signs shall comply with the vision clearance requirements of Section 1.6.9.
8. Signs in Rights-of-Way
 - A. Signs shall be prohibited in the right-of-way with the exception of:
 - 1) Signs installed by Charles City, Floyd County, State of Iowa, or United States, including local and regional transit agencies; or
 - 2) Any warning signs or traffic safety signs required by public utility providers.
 - 3) The Zoning Administrator may remove or cause to be removed any unlawful sign in the public right-of-way.
9. Sign Illumination and Electronic Message Centers

All signs, unless otherwise stated in this article, may be illuminated by internal or external light sources, provided that such illumination complies with the following:

 - A. Illuminated signs shall not have any flashing or blinking lights or rotating beacons.
 - B. All illumination shall be oriented so as to prevent glare onto traffic or onto adjacent property or structures.
 - C. An illumination from any lamp of over 25 watts rating shall be through a diffusing lens or frosted envelope, excepting indirect illumination.
 - D. Electronic Message Centers

All electronic message centers shall be subject to the following requirements:

 - 1) **The maximum brightness of the electronic message center shall be:**
 - a) The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
 - b) The brightness level shall not increase by more than 0.3-foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance.
 - c) The procedure and distances for measurement of brightness shall be as established by the International Sign Association's Recommend Night-time Brightness Levels for On-Premises Electronic Message Centers.

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- d) The owners of such signs shall include specifications accompanying their sign permit application, demonstrating that they will comply with the prescribed brightness limitations set by this code.
- e) No strobe lights/stroboscopes shall be used in any sign.
- f) Electronic message centers shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a measure to immediately discontinue the display if it malfunctions.
- g) Any light emitting diode (LED) displays along Federal or State highways shall meet all Iowa DOT standards.
- h) Electronic message centers in residential zoning districts shall be set back a minimum of 200 feet from any adjacent residential dwelling.
- i) Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
- j) Wherever an electronic message center is permitted, a manual changeable copy sign shall also be permitted. A sign permit shall be required to change between each type of sign.

10. Removal of Signs

- A. The Zoning Administrator is authorized to order the removal, repair or maintenance of any sign which constitutes a nuisance, is in a state of serious disrepair, is deemed unsafe, is no longer functional, or for which the required permit has not been obtained.
- B. Whenever the removal, repair or maintenance of any permanent sign has been ordered by the Zoning Administrator, the owner or person in possession of such sign shall comply with such order within 30 days after notice is served upon them. Failure to do so shall be deemed a violation of this code.
- C. If, following an inspection, the building official determines that any sign constitutes an immediate danger to the public safety, or creates an imminent risk of substantial harm to the rights of another, the building official may order the immediate removal of said sign without regard to the time intervals for compliance cited above, at the sign owner's expense. Removal of sign shall include the sign face, enclosing frame, all sign supporting members and base, unless otherwise specified in the order to remove.

11. Maintenance

All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting if any, the portion attaching the sign to the ground or structure, and the surface features.

Section 3.5.8 Permanent Signs

The following are the types of permanent signs allowed in Charles City and the applicable regulations for each type of sign.

1. Permanent Signs in the UA, R-1, R-2, R-3, R-4, and R-M Districts

The following permanent signs are permitted in the UA, R-1, R-2, R-3, R-4, and R-M Districts pursuant to the regulations of this article.

A. Entrance Signs

Two wall signs or one permanent monument sign may be permitted for any subdivision or multi-family dwelling development provided that the sign meets the following requirements:

- 1) Each sign may have a maximum sign area of 60 square feet.
- 2) No such sign or any portion of the structure shall exceed 10 feet in height.
- 3) The sign may only be illuminated through an external light source.
- 4) If the applicant proposed a monument sign, only one monument sign shall be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Administrator.
- 5) The monument signs shall be set back a minimum of two feet from the public right-of-way.
- 6) In lieu of a monument sign, a maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as

determined by the Zoning Administrator. Such wall signs shall be mounted to a decorative wall or fence adjacent to the entrance street.

- 7) The wall signs shall be set back a minimum of 15 feet from the public right-of-way.
- 8) If an applicant proposes to use monument signs, no wall signs, as allowed in this subsection shall be permitted, and vice versa.

B. Permanent Signs for Nonresidential Uses in Residential Districts

- 1) One permanent sign may be permitted on a lot containing a legal nonresidential use in a residential district provided the sign meets the following requirements:
 - a) The sign shall be set back a minimum of 20 feet from the public right-of-way.
 - b) The maximum sign area shall be 18 square feet.
 - c) No such sign or any portion of the structure shall exceed six feet in height.
 - d) A maximum of 50 square feet of building sign area shall be permitted on a lot containing a legal nonresidential use provided the signs meet the applicable building sign standards.

2. Permanent Signs in the B-1, B-2, B-3, M-1, M-2, and F-1 Districts

A. Freestanding Signs

TABLE 3.5.8.1 FREESTANDING SIGNS IN B-1, B-2, B-3, M-1, M-2, AND F-1 DISTRICTS				
Zoning District	Pole Sign		Monument Sign	
	Maximum Sign Area	Maximum Sign Height	Maximum Sign Area	Maximum Sign Height
B-1	100 Square Feet	25 Feet [1]	100 Square Feet	10 Feet
B-2	-	-	100 Square Feet	10 Feet
B-3	100 Square Feet	35 Feet [2]	100 Square Feet	10 Feet
M-1, M-2, and F-1	150 Square Feet	25	150 Square Feet	10 Feet
NOTES:				
[1] Any portion of the sign structure, except the pole, shall be a minimum height of 10 feet above the average grade at the base of the signpost.				
[2] Freestanding signs within 500 feet of the right-of-way of the "Avenue of the Saints" may exceed 35 feet in height and shall have a maximum height of 60 feet.				

All freestanding signs in the B-1, B-2, B-3, M-1, M-2, and F-1 Districts meet the following requirements:

- 1) The edge of any freestanding sign shall be set back minimum of five feet from the right-of-way, and 10 feet from any adjacent lot lines.
- 2) No portion of a freestanding sign shall be permitted to overhang above a right-of-way.
- 3) Only one freestanding sign shall be permitted along each street frontage; however, a second sign may be allowed on a corner lot.
- 4) The maximum sign area and height for freestanding signs are established in Table 3.5.6.1.
- 5) Freestanding signs shall be set back a minimum of five feet from a public right-of-way and 10 feet from any adjacent lot lines.
- 6) Only monument signs may include manual changeable copy signs or electronic message centers as regulated by this article. The manual changeable copy or electronic message center area shall not exceed 75% of the total sign area.
- 7) Where a freestanding sign serves a multi-tenant building, it shall be the responsibility of the property owner to determine the messaging on the sign.
- 8) Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood.

C. Building Signs

Building signs are permitted on principal structures in the B-1, B-2, B-3, M-1, M-2, and F-1 District in accordance with the following:

- 1) The building sign area allowed in this section shall include the total amount of all wall, canopy, awning, marquee, and projecting signs on each façade wall. Standards for each individual building sign type are established in this section.
- 2) Building signs shall not extend more than four feet above the top of the roofline of the building to which it is attached. For canopy signs, the signs may be attached above the

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canopy, which is attached permanently to the building, provided that the sign does not extend above the top of the roofline of the building.

- 3) Building signs may not be attached to mechanical equipment or roof screening.
- 4) Building signs shall not include electronic message centers.
- 5) Building Sign Allowance
 - a) There is no maximum number of permitted building signs.
 - b) Where there is a building sign allowance for a primary façade, such building sign area shall only be attached to the primary façade.
 - c) Where there is a secondary façade, as determined in Figure 3.5.7, there shall only be one designated secondary façade and any building sign area allowed for the secondary façade shall be attached to the applicable secondary façade.
 - d) The maximum aggregate sign area of all building signs on a primary façade shall not exceed 20 percent of the building elevation area in the B-1, B-2, and B-3 Districts. The maximum aggregate sign area of all building signs on a primary façade shall not exceed 10 percent of the building elevation area in the M-1 and M-2 Districts or 200 square feet, whichever is smaller.
 - e) The maximum aggregate sign area of all building signs on a secondary façade shall not exceed 10 percent of the building elevation area in the B-1, B-2, and B-3 Districts. The maximum aggregate sign area of all building signs on a primary façade shall not exceed 5 percent of the building elevation area in the M-1 and M-2 Districts or 100 square feet, whichever is smaller.
 - f) Where a building is divided into definable building units (e.g., a tenant space with an exterior entrance in a multi-tenant building), the percentage shall be based on the building elevation area dedicated to the individual building unit.

D. Wall Sign Standards

Any wall sign shall comply with the following standards:

- 1) Wall signs shall be mounted on or flush with a wall and shall not project more than 24 inches from the wall or face of the building to which it is attached.
- 2) A wall sign may be mounted on the façade wall or mounted on a raceway or wireway.
- 3) No wall sign shall extend above the parapet of the main building to which it is attached, nor beyond the vertical limits of such building.
- 4) Wall signs may be internally or externally illuminated except when attached to a façade that faces a residential zoning district, in which case the illumination of the wall sign is prohibited.
- 5) The wall sign allowance may be used for signs attached to roofed structures over fueling stations or to stand-alone accessory structure such as Automated Teller Machines (ATMS) or detached accessory buildings.
- 6) Signs that are painted directly onto a wall are prohibited.

E. Canopy, Awning, or Marquee Sign Standards

Any canopy, awning, or marquee sign comply with the following standards:

- 1) Signage shall not cover more than 24 square feet of any individual awning, canopy, or marquee.
- 2) Canopies or awnings should not extend more than 36 inches from the façade.
- 3) Signage may be mounted above any canopy or marquee that extends over a customer entrance provided that the maximum sign height over the canopy shall be 18 inches as measured from the top of the canopy to the top of the sign.
- 4) Only the area of the sign may be illuminated internally on a canopy, awning, or marquee. The remainder of any canopy, awning, or marquee shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.

F. Projecting Sign Standards

Any projecting sign shall comply with the following standards:

- 1) Only one projecting sign shall be permitted for each tenant of building space.
- 2) A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.

- 3) Projecting signs shall maintain a minimum six-inch clearance from the façade of any building.
- 4) Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.
- 5) The maximum sign area for a projecting sign shall be 24 square feet.
- 6) Projecting signs may be externally or internally illuminated.
- 7) Projecting signs may project up to six feet from the building façade but not into the right-of-way, except in the B-2 District (See below.).
- 8) Projecting signs shall be set back a minimum of five feet from any adjacent lot line.
- 9) Projecting signs may project up to 36 inches into the right-of-way in the B-2 District.

G. Window Signs

Window signs shall not require a sign permit.

- 1) Window signs are prohibited in residential zoning districts except as allowed for temporary signs.
- 2) Window signs may be temporarily or permanently attached to the window surface.
- 3) Window areas separated by piers, architectural elements, or similar features that are not glass or window framing, or support shall be considered separate and distinct window areas. See Figure 3.5.8.1



Figure 3.5.9: The window area is illustrated within the dashed line area for the two storefronts in the above image. The dashed lines highlight two separate window areas due to the separation by an architectural feature not related to the windows.

H. Drive-Through Facility Signs

- 1) Drive-through facility signs shall only be permitted in the B-1, B-3, M-1, M-2, and F-1 zoning districts.
- 2) One drive-through facility sign shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all ground signs associated with each drive-through facility does not exceed 72 square feet. In no case shall a single drive-through facility sign exceed 36 square feet in sign area.
- 3) Such signs shall be oriented so as to only be visible to occupants of vehicles in the stacking lanes of the drive-through facility.
- 4) No drive-through facility sign under this section shall exceed six feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- 5) Drive-through facility signs may be internally or externally illuminated. Up to 100 percent of each sign may be an electronic message center if they comply with the following standards:
- 6) Any message change shall be a static, instant message change.
- 7) Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message centers.
- 8) The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- 9) Drive-through facility signs attached to a wall of building shall be calculated as part of the building signage allowance in Section 3.5.8 (2)(D).
- 10) The maximum sign areas of this section shall not apply where the drive-through facility sign is located in a manner that is not visible from a public right-of-way or from an

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adjacent residential lot, as determined by the Planning Commission during the site plan review process.

- 11) Drive-through facility signs shall meet the same design requirements as freestanding signs in Section 3.5.8 (2)(A).

I. Driveway Signs

- 1) Driveway signs shall not be permitted in residential zoning district except when accessory to an approved nonresidential use. In all other districts, driveway signs shall be permitted provided each sign complies with the standards of this section.
- 2) Driveway signs shall only be permitted in the B-1, B-3, M-1, M-2, and F-1 zoning districts.
- 3) Driveway signs shall only be permitted near driveway entrances to a public street.
- 4) A maximum of two driveway signs are permitted per individual driveway.
- 5) Driveway signs shall be located within 30 feet of the right-of-way.
- 6) Each driveway sign shall not exceed four square feet in area and 30 inches in height.
- 7) Driveway signs may be internally or externally illuminated.

Section 3.5.9 Temporary Signs

The following are the types of temporary signs allowed in Charles City, including any applicable regulations for each type of sign.

1. Standards Applicable to All Temporary Signs

- A. Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.
- B. No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.
- C. All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.
- D. Unless otherwise specifically stated, temporary signs shall not be illuminated.
- E. No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit.
- F. Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with Section 3.5.9 (I) or when such sign is attached to the principal building as permitted in this article.
- G. No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of or attachments to temporary signs.
- H. Where a temporary sign is designed to have two sign faces (sidewalk signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame sidewalk sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.
- I. For sign permit applications related to the establishment of a new use or change of use within an existing building, where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a sign permit.
- J. Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.
- K. Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.

2. Temporary Sign Allowances

Table 3.5.9.1 establishes the allowances for temporary signs in all zoning districts. All sign types are subject to the general provisions above and the sign-type standards that follow the table.

TABLE 3.5.9.1 TEMPORARY SIGN ALLOWANCES				
Message	Noncommercial Message	Commercial Message		
Zoning Districts	All Districts	UA, R-1, R-2, R-3, R-4, and R-M	B-1, B-2, B-3, M-1, M-2, and F-1	B-1, B-2, B-3, M-1, M-2, and F-1
Time Limit	Unlimited	Unlimited	Unrestricted	15 Days per Quarter [2]

TABLE 3.5.9.1 TEMPORARY SIGN ALLOWANCES

Message	Noncommercial Message	Commercial Message		
Maximum Number or Area per Lot	Unlimited	12 Square Feet [1]	24 Square Feet	50 Square Feet
Maximum Sign Area per Sign	16 Square Feet	6 Square Feet [1]	12 Square Feet	50 Square Feet
Maximum Height	6 Feet	4 Feet	6 Feet	6 Feet
Permitted Sign Types	Banner, Window, and Yard	Window or Yard	Banner, Sidewalk, or Yard	Banner or Yard
Setback from Right-of-Way and Adjacent Lot Lines	2 Feet	2 Feet	2 Feet	2 Feet
Sign Permit Required	No	No	No	No

NOTES:

[1] For lots or subdivisions that are larger than five acres, the maximum sign area may be increased to 32 square feet with a maximum height of six feet. No single sign shall exceed 16 square feet in sign area.

[2] A quarter shall be defined as evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).

3. Sign Type Standards

A. Banner Signs

- 1) Banner signs shall not be subject to the maximum height requirements of this section provided they are not attached above any roofline.
- 2) Banner signs can be affixed to a building but not a fence unless such fence is enclosing an outdoor dining area adjacent to the building.

B. Sidewalk Signs

- 1) Only one sidewalk sign is allowed for each business establishment and shall be located within five feet of the entrance of such business.
 - A. The sidewalk sign shall be limited to an A-frame sidewalk sign or a T-frame sidewalk sign.
 - B. There shall be no time limitation for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
 - C. Such signs shall not exceed six square feet in area with a maximum height of four feet.
 - D. The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas. Additionally, such signs shall not be placed on pavement used for vehicles (e.g., driveways and parking lots).
 - E. The width and placement of the sign shall be such so that there shall be a minimum width of five feet of clear and passable sidewalk or walkway for pedestrians.
 - F. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
 - G. The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.
 - H. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
 - I. The sign shall be internally weighted so that it is stable and windproof.
 - J. Charles City shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

C. Window Signs

Temporary window signs shall not be affixed permanently to the window.

Section 3.5.10 Signs in a CMD District

1. All development in a CMD District shall be subject to the standards of this article unless otherwise modified through the CMD review and approval process. In general:
 - A. Single-family residential uses and public and institutional uses in a CMD shall comply with the sign requirements of the R-1 District.
 - B. Multi-family residential uses in a CMD shall comply with the sign requirements of the R-3 District.
 - C. Commercial and office uses in a CMD shall comply with the sign requirements of the B-1 District.
 - D. Industrial uses in a CMD shall comply with the sign requirements of the M-1 District.

Section 3: Land Development Regulations

2. This section shall apply to both permanent and temporary signs.

Section 3.5.11 Nonconforming Signs

1. Any sign that was lawfully in existence at the time of the effective date of this code, or amendment thereto, that does not conform to the provisions herein, shall be deemed a legal nonconforming sign and may remain on a lot of record except as qualified below.
2. A sign shall lose its legal nonconforming status if any of the following occurs:
 - A. If such sign is damaged to an amount exceeding 50 percent of the sign's replacement value not including the cost or value related to the foundation or work below grade, as determined by at least two sign companies requested to provide a quote by the City;
 - B. The structure of the sign is altered in any form;
 - C. The sign is relocated;
 - D. The sign is defined as a temporary sign and has been in use for more than one year following the effective date of this amendment; or
 - E. The nonconforming sign and its structure (including support and frame and panel) are determined by the building official to be unsafe or in violation of this code and are declared a nuisance.
3. A nonconforming sign shall not be altered, modified, or reconstructed other than to comply with this article except that a sign panel may be replaced (no other structural alteration) or the sign face may be repainted when there is a change of use or tenancy.
4. Any sign that loses its legal nonconforming status must be brought into compliance with the provisions of this article and any other City laws and ordinances by an application for, and issuance of, a sign permit or by complete removal.
5. Failure to bring a sign into compliance after loss of a legal nonconformity status shall cause the sign to be considered an illegal sign.
6. Minor repairs and maintenance of legal nonconforming signs shall be permitted.
7. Nonconforming signs shall be maintained in good condition pursuant to applicable building codes.

Section 4: Administration, Amendments and Legal Provisions

Section 4: Administration, Amendments, and Legal Provisions**Section 4.1.1 Zoning Administrator****1. Enforcement:**

The Zoning Administrator appointed by the Mayor with the advice and consent of the Council and with aid of other municipal departments shall enforce this Ordinance.

2. Powers and Duties of Zoning Administrator

The Zoning Administrator shall enforce this Ordinance, and in addition thereto and in furtherance of said authority, shall:

- A. Issue all zoning certificates and make and maintain records thereof.
- B. Issue all occupancy permits and make and maintain records thereof.
- C. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Ordinance.
- D. Maintain permanent and current records of these regulations, including, but not limited to, all maps, amendments, uses on review, variances, appeals and applications therefor.
- E. Provide and maintain a public information service relative to all matters arising out of this Ordinance.
- F. Forward to the Council and/or the Planning and Zoning Commission all applications for amendment to this Ordinance.
- G. Transmit to the Board of Adjustment applications for appeals, variances, special uses on review or other matters on which the Board of Adjustment is required to pass under this Ordinance.
- H. Issue occupancy permit regulating the erection of buildings or structures and use of land for periods not to exceed 10 days for specific purposes such as temporary carnivals, churches, charities, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said use of operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the City.
- I. Issue permits for construction within floodplain.
- J. Initiate, direct and review from time to time a study of the provisions of this Ordinance and make recommendations to the Planning and Zoning Commission and Council.

3. Zoning Compliance Certificates and Occupancy Permits**A. Zoning Compliance Certificates.**

Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the City unless the application for such permit has been examined by the Zoning Administrator, indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate issued in conflict with the provisions of this Ordinance shall be null and void.

B. Occupancy Permits.

No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until an occupancy permit has been issued by the Zoning Administrator. No change in a use, other than that of a permitted use to another similar permitted use, shall be made until an occupancy permit has been issued by the Zoning Administrator. Every occupancy permit shall state that the use or occupancy complies with the provisions of this Ordinance.

- 1) Application for Occupancy Permit. Every application for a building permit shall be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land where

no building permit is required shall be made directly to the Zoning Administrator.

- 2) Plans. Every application for a permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blueprint, or similar print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Ordinance. One copy of such plans shall be signed and returned to the applicant when approved by the Zoning Administrator together with such permit as may be granted.
- 3) Corner Pins. Prior to building construction, lot corner pins based on actual survey need to be identified when Zoning Administrator or Building Official cannot determine property lines in field. If disturbed by construction or grading corner pins shall be reset in proper location based on actual survey.
- 4) Issuance of Occupancy Permit. No occupancy permit for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue an occupancy permit must be forwarded to the applicant no later than 14 days after the request for an occupancy permit.
- 5) Zoning Compliance Certificate in Non-Conforming Uses. No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses or structures shall have one year to apply for certificates of zoning compliance. Failure to make such application within one year shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.

4. Penalties

Any person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance shall, upon conviction, be fined for each offense as provided in this Ordinance. Each day that a violation continues shall constitute a separate offense.

5. Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of this Ordinance, the City Attorney, in addition to other remedies under the Code of Iowa, is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

Section 4.2.1 Amendments**1. District Changes and Ordinance Amendments**

In accordance with the provisions of Chapter 414, Code of Iowa, the Council may from time to time on its own action or on petition, after public notice and hearing as provided by law, and after report by the Planning and Zoning Commission amend or change by ordinance the number, shape, or area of districts established on the zoning map or the standards set forth in these regulations; but no such amendment or change shall become effective unless the proposed amendment or change shall first be submitted to the Planning and Zoning Commission for approval, disapproval or suggestions, and the Planning and Zoning Commission shall have been allowed a reasonable time for consideration and report. According to Section 414.5, Code of Iowa, 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.

2. Hearings

Before submitting its recommendations and report to the Council, the Planning and Zoning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give notice of public hearing as provided by law, and by mailing notices to all property owners directly involved, contiguous within 200 feet to, and directly across a street or alley from the area proposed to be altered. However, the regulation, restriction, or boundary shall not become effective until after a public hearing by City Council at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in, section 362.3, Code of Iowa, except that at least seven days' notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.

3. Petition

Whenever any person, firm or corporation desires that any amendment or change be made in this Ordinance, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of 50% of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of 50% of the area of all real estate lying outside of said tract but within 200 feet of the boundaries thereof, (intervening streets and alleys not to be included in computing such 200 feet it shall be the duty of the Council to vote upon such petition within a reasonable time after the filing of such petition with the City Clerk.

4. Notice

In accordance with the Code of Iowa prior to the public hearing, the text or copy of the text of such ordinance or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Zoning Administrator. No ordinance which differs from the recommendation made by the Planning and Zoning Commission shall become effective unless passed by not less than 3/4th of all members of the Council.

5. Written Protest

In case a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20% or more of the area of the lots included in the proposed change or repeal, or by the owners of 20% or

Section 4: Procedures, Amendments, and Legal Provisions

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, is filed with the Clerk, such change or repeal shall not be passed or become effective except by the favorable vote of at least 3/4th of all members of the Council. The protest, if filed, must be filed before or at the public hearing.

6. Notifications

The failure to notify, as provided by this section, shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Planning and Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of this section to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, proposing to make a change in zoning.

The Federal Insurance Administration and the Iowa Department of Natural Resources shall be notified of each amendment to the boundaries or regulations of the "F-1" District.

7. Denial of Petition

Denial of Petition. Whenever any petition for an amendment, supplement, or change of the zoning regulations herein contained or subsequently established shall have been denied by the City Council, then no new petition covering the same property, or the same property and additional property, shall be filed with or considered by the City Council until one year shall have elapsed from the date of the filing of the first petition.

Section 4.3.1 Legal Provisions**1. Repeal of Conflicting Ordinances**

Upon the effective date and publication of this Code, all existing ordinances in conflict herewith and all amendments thereto shall be, and the same hereby are repealed. However, in the event that this Code shall fail to become effective for any reason whatsoever, all existing ordinances and all amendments thereto shall remain in full force and effect.

2. Not a Licensing Ordinance

Nothing contained in this Code shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.

3. Private Agreements

This Code is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement or legal relationship, the regulations of this Code shall govern.

4. Overlapping or Contradictory Regulations

Where the conditions imposed by any provision of this Code upon the use of land, buildings, or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Code or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.

5. Code References

Any references herein to sections of the City Code are to those sections in force on the effective date of this Code and shall be deemed to refer to the successor section, if any, in the event the section referenced is renumbered.

6. Cumulative Provisions

The provisions of this Code are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Code.

7. Severability

It is hereby declared to be the intention of the City Council that the provisions of this Code are separable, in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a particular parcel of land, a building or other structure, such judgment shall not affect the application of said provisions to any other parcel of land, building or structure.

8. Effective Date

This Code shall be in force and effect on the day of its final passage, adoption and publication as provided by law.

ADOPTED AND APPROVED by the Governing Body of Charles City, Iowa

This _____ day of _____, 20_____.

(Seal)

Mayor

ATTEST:

City Clerk