

# CITY OF CASEY, IOWA

## ZONING ORDINANCE

### CHAPTER 1: GENERAL PROVISIONS

- 101**     **SHORT TITLE.** This Ordinance shall be known and may be cited as the “City of Casey, Iowa Zoning Ordinance”.
- 102**     **PURPOSE.** The purpose of this Ordinance is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and promote the health, safety, and general welfare in the City of Casey, Iowa.
- 103**     **DEFINITIONS.** For the purpose of interpreting this Ordinance, certain items, terms, and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular. The word “shall” is mandatory; the word “may” is permissive. The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as the individual. The words “application” and “request” may be used interchangeably. The word “lot” includes the words “plot” or “parcel”.
1. “Accessory building or use”. A separate subordinate building, the use of which is incidental to that of the principal building or to the principal use of the premises, and is located on the same lot as the main building. An accessory use is one which is incidental to the main use of the premises.
  2. “Accessory use or Structure”. A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.
  3. “Active Solar Energy System”. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
  4. “Administrative Officer”. The City Clerk of the City of Casey or her designated appointee.
  5. “Agriculture”. Agricultural activity, including forest and forest products, harvest and management, dairy farming, livestock grazing and pasturage, truck gardening, the raising of crops, fruit and nursery stock, fish farms, animal kennels and fur bearing animal farms, and the harvesting, processing, packaging, shipping, and selling of products produced on the premises, and incidental farm occupations and uses such as machinery, farm equipment and domestic repair and construction, excluding commercial feed lots.
  6. “Alley”. A minor public or private thoroughfare of twenty (20) feet or less in width, which affords only the secondary means of access to property abutting thereon, and is used for service purposes.
  7. “Alterations – Structural”. A change in the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders. An enlargement of the size or height of a building shall be construed to be an alteration.

8. "Alterations – Substantial". Any change in or enlargement of any building or other improvement covered by this Ordinance that will: (1) upon completion, affect a change in the use thereof, or (2) that has the effect of enlarging the floor area thereof.
9. "Animal Hospital or Clinic". An establishment where animals are admitted principally for examination, treatment or care by a doctor of veterinary medicine. This shall include open kennels and runs.
10. "Animals – Food". Fowl, cattle, swine, sheep, ducks, geese, rabbits, and other animals raised for the purpose of food consumption.
11. "Animals – Fur". Animals raised for their pelts.
12. "Animals – Pets". Any animal that is tamed or domesticated (dogs, cats, etc.).
13. "Apartment". A room or suite of rooms in a multiple dwelling intended or designed for use as residence by a single family and included kitchen facilities.
14. "Apartment House". A building or portion thereof used or designed as a residence for three or more families, households or groups of persons occupying separate apartments and living independently of each other.
15. "Attic". A space under a gable, hip or gambrel, or other roof, the finished floor of which is, or would be, at or entirely above the level of the wall plates of at least two (2) exterior walls, and the height of which, from the floor level to the highest point of the roof, does not exceed ten (10) feet.
16. "Automobile Repair-Station (Garage)". A place where the following services may be carried out: general repair, engine rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender straightening and repair, painting and undercoating of automobiles and the sale of engine fuels stored in underground tanks.
17. "Automobile Service Station". A place of business where engine fuels (stored in tanks) kerosene, motor oil, lubricants or grease are retailed directly to the public including the sale of minor accessories and services for motor vehicles.
18. "Automobile Wrecking Yard". An area of land where 3 or more motor vehicles, machinery, or equipment drawn or operated by a motorized mechanical unit, not in running or operable condition, or parts thereof are stored in the open; and any land, building or structure used for wrecking, abandoning or storing of such motor vehicles.
19. "Base Flood". The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
20. "Basement". A story having more than one-half (1/2) of its height below grade. A basement shall not be counted as a story for the purpose of height regulation.
21. "Bed & Breakfast". A lodging house providing guest rooms not exceeding 4, and serving a meal or meals to guests, where lodging is provided for any number of days and nights. A Bed & Breakfast is often but need not be a private residence of the owner or host. It may not advertise itself as a restaurant, but may advertise and make reservations in the manner of a hotel or motel.

22. "Billboard". 'Billboard' as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
23. "Blade". An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
24. "Block". That property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
25. "Board". The Board of Adjustment.
26. "Boarding House". A building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
27. "Boarding, Lodging or Rooming House". A dwelling containing a single dwelling unit and not more than 10 guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one week.
28. "Building". Any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals or chattel. When any portion thereof is separated by party walls without any window, door or other openings, each portion so separated shall be deemed a separate building.
29. "Building, Detached". A building having no common wall connection with another building.
30. "Building, Existing". A building erected prior to the adoption of this Ordinance or one for which a legal building permit has been issued.
31. "Building, Height of". The vertical distance from the average natural grade at the building line to the highest point of the roof of a flat roof, or to the deck line of a mansard roof, or to the mean height level (between eaves and ridge) for gable, hip, and gambrel-roofs.
32. "Building-integrated Solar Energy Systems". An active solar energy system that is integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of a building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
33. "Building Line". The line of the outside wall of the building or any enclosed projection thereof nearest street.
34. "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 twelve thousand (12,000) gallons.

35. "Business". Engagement in the purchase, sale, barter or exchange of goods, wares, merchandise or service or the maintenance or operation of offices or recreational or amusement enterprises.
36. "Carport". A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. A carport attached to a principal building is considered a part of the principal building and subject to all yard requirements in this chapter.
37. "City Engineer". The City Engineer or one acting in that capacity.
38. "Clerk". The City Clerk of the City of Casey, Iowa.
39. "Commission". The City Planning and Zoning Commission of the City of Casey, Iowa.
40. "Common Wall". An unbroken wall shared by two or more separate buildings.
41. "Comprehensive Plan". The general plan for land use, transportation and community facilities prepared and maintained by the Commission and adopted by the Council.
42. "Condominium". A single unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.
43. "Congregate Residence". Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, motels, bed & breakfasts or lodging houses.
44. "Council". The City Council.
45. "Court". An open, unobstructed and unoccupied space other than a yard, which is bounded on two (2) or more sides by a building on the same lot.
46. "Day Care". The caring for of six or more unrelated children under the age of 12 years out of their home for two hours or more, but less than 24 hours a day, for compensation.
47. "Development". Any man-made change to improved or unimproved real estate, including but not limited to building 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, grading.
48. "District". A section or sections of the City within which the regulations governing the use of building and premises or the height and area of buildings and premises are uniform.
49. "Dwelling". Any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
50. "Dwelling, Multiple". A building or portion thereof designed for or occupied exclusively for residence purposes by more than two (2) families.

51. "Dwelling, Single Family". A detached dwelling unit with kitchen and sleeping facilities, exclusively designed for occupancy by one (1) family.
52. "Dwelling, Cityhouse". Dwelling units having one or more common walls designed so as to have direct access outside.
53. "Dwelling, Two-Family or Duplex". A detached building arranged, designed or intended to be occupied by two (2) families or housekeeping units living independently of each other.
54. "Dwelling Unit". One or more habitable rooms which are intended or designed for human occupancy and designed for one family with facilities for living, sleeping, cooking and eating.
55. "Employees". All persons including proprietors working in the premises during the largest shift of employment.
56. "Enforcement Officer". The City Manager of the City of Casey or his designated appointee.
57. "Exception". Modification of the general provisions of this Ordinance under particular given circumstances after it is determined that strict compliance with the Ordinance would cause undue hardship on the applicant. This term is not synonymous with "special exception" for which see "special use."
58. "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. May also be referred to as "existing structure".
59. "Existing 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 before the effective date of the first floodplain management regulations adopted by the community.
60. "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).
61. "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.
62. "Factory-Built Home Park". A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

63. "Family". One or more related persons occupying a single housekeeping unit and using common cooking facilities, but shall not include more than four (4) individuals not related by blood or marriage.
64. "Farm". An area of ten (10) acres or more which is used for the growing of the usual farm products, such as vegetables, fruits, trees and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals.
65. "Farming". Includes the operating of such an area for one or more of the above uses, including the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the feeding of garbage or offal to swine or other animals.
66. "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.
67. "Flood Area". Any land or portion of land, adjacent to a stream, river, or other natural drainage channels or basins, that is subject to overflow, inundation, or flood hazard from the unusual and rapid accumulation or runoff of surface water from any source.
68. "Flood Elevation". The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
69. "Flood Insurance Rate Map (FIRM)". 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.
70. "Floodplain". Any land area susceptible to being inundated by water as a result of a flood.
71. "Floodplain Management". An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain s, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
72. "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.
73. "Floodway". The channel of a river or stream and those portions of the floodplain s 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.
74. "Floodway Fringe". Those portions of the floodplain, other than the floodway, which can be filled,

leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

75. "Floor Area, Gross". The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.
76. "Floor Area, Net". The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.
77. "Garage, Private". An accessory building or portion of a building in which one (1) or more motor vehicles are housed, but in which no business, service or industry is carried on.
78. "Garage, Public". Any building or premises, other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.
79. "Grade". The average elevation of the finished ground at the exterior walls of the main building.
80. "Grid-intertie Solar Energy System". A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
81. "Height of Building". See "Building, Height of".
82. "Height, Total System". The height above grade of the wind energy system, including the tower generating unit, and the highest vertical extension of any blades or rotors. Height shall be measured from the adjacent grade of the tower to the tip of the turbine (blade) at its highest point.
83. "Historic Structure". Any structure that is:
- a. 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;
  - b. 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;
  - c. 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,
  - d. 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.
84. "Home Occupation". Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character thereof; and provided that no articles is sold or offered for sale except such as may be produced on the premises by members of the immediate family residing on the premises. The following, but not limited to the following, shall NOT be deemed a home occupation: beauty parlors, dress shops, real estate offices, millinery shops, tea rooms, tourist or nursing homes and animal hospitals.

85. "Hotel". A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or lodging house.
86. "Junkyard". Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house-wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.
87. "Kennel". Establishment in which dogs or domestic animals more than one year old are housed, groomed, bred, boarded, trained, or sold.
88. "Lodging House". A building where lodging or boarding is provided for compensation for five (5) or more, but not exceeding twenty (20) persons not members of the family there residing.
89. "Lot". For zoning purposes, as covered by this Ordinance, a lot is a parcel of land of a least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street, and may consist of:
- a. A single lot of record, or a portion of a lot or record
  - b. A combination of complete lots of record, and/or portions of lots of record;
  - c. A parcel of land described by metes and bounds; provided that in no case of subdivision shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
90. "Lot Area". The area of a horizontal plane, bounded by the front, side, and rear lot lines.
91. "Lot, Corner". A lot situated at the intersection of two or more intersecting streets with a boundary thereof bordering each street.
92. "Lot Line". The property line bounding a lot.
93. "Lot Line, Front". For an interior lot, that line separating the lot from the street. For a corner or a double frontage lot, that line separating said lot from the street that is designated as the front street.
94. "Lot Line, Rear". The lot line opposite the front lot line. In case of an irregular shaped lot, the rear lot line shall be an imaginary line not less than ten feet in length and parallel to the front lot line.
95. "Lot Line, Side". Any lot line other than the front or rear lot line.
96. "Lot Measurement".
- a. Depth- the mean horizontal distance between the front and rear lot lines
  - b. Width- the width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum building setback line.
97. "Lot of Record". A lot which is part of a subdivision which is recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the deed to which has been so recorded.
98. "Lot, Through (Double Frontage)". A lot having a frontage on two parallel streets.

99. “Lot Types”. Terminology used in this Ordinances with reference to various types of lots is as follows:
100. “Lot, Zoned”. A parcel of land which (at the time of filing for a building permit) is designated by its owner or developer as a parcel of land to be used, developed or built upon as a unit under a single ownership or unified control. (A "zoned lot" may or may not coincide with a lot of record).
101. “Lowest Floor”. The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 8-1-3(D)(1) of this Ordinance, and
  - b. 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
  - c. 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 100-year flood level, and
  - d. The enclosed area is not a "basement" as defined in this section.
- In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
102. “May”. Means permissive.
103. “Manufactured Home”. Is a factory-built structure constructed under authority of 42 U.S.C. Section 5403, which is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.
104. “Meteorological Equipment”. Equipment primarily used to measure wind speed and directions, including other data relevant to locating an operational wind energy conversion system.
105. “Minor Projects”. Small development activities (except for filling, grading and excavating) valued at less than \$500.
106. “Mobile Home”. Any structure or vehicle designed and/or constructed to permit occupancy for living, sleeping, business or storage purposes, and so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways whether propelled or drawn by its own or other motive power.
107. “Mobile Home Park”. Any lot of portion of a lot upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
108. “Motel, Hotel”. Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.
109. “Motel, Motor Lodge, Auto Court”. A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with attached or parking facilities conveniently located to each such unit.
110. “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.

111. “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 first floodplain management regulations adopted by the community.
112. “Non-Conforming Lot”. A lot whose width, area or other dimension did not conform to the regulations when this code became effective.
113. “Non-Conforming Sign”. A sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.
114. “Non-Conforming Structure”. A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.
115. “Non-Conforming Use”. A use that lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform to the use regulations.
116. “Nursing or Convalescent Home”. A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent or physically disabled persons, not including insane and other mental cases, inebriate or contagious diseases.
117. “Off-grid Solar Energy System”. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electronically connected in any way to electric circuits that are served by an electric utility company.
118. “One Hundred (100) Year Flood”. A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.
119. “Parcel”. A part of a tract of land.
120. “Parking Lot”. A hard-surfaced area (either Asphaltic cement or Portland concrete cement) that is able to withstand vehicular traffic of other heavy-impact uses.
121. “Parking Space”. A surfaced area, enclosed or unenclosed of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives for the parking of a motor vehicle.
122. “Passive Solar Energy System”. A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

123. "Person". Every natural person, firm, partnership, association, or corporation having legal rights and responsibilities.
124. "Planned Unit Development". A project located on a single tract, controlled by one owner, corporation or agency, including usable open space for the mutual benefit of the entire tract, designed to provide variety and diversity through the variance, other than use regulations, of normal zoning and subdivision standards, so that maximum long range benefit can be gained and unique features of the site preserved or enhanced.
125. "Pools (Swimming), Hot Tubs, and Spas."
- a. Above ground/on ground pool. See "Private swimming pool".
  - b. Barrier. A fence, a wall, a building wall, the wall of an above-ground pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.
  - c. Hot tub. See "Private swimming pool".
  
  - D. In-ground pool. See "Private swimming pool"
  
  - E. Power safety cover. A pool cover that is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.
  
  - F. Private swimming pool. Any structure that contains water over 24 inches in depth and which is used, or intended to be used for swimming or recreational bathing and which is available only to the family and guests of the householder. This includes in-ground, above ground, and on-ground swimming pools, hot tubs and spas.
  
  - G. Private swimming pool, indoor. Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.
  
  - H. Private swimming pool, outdoor. Any private swimming pool that is not an indoor pool.
  
  - I. Public swimming pool. Any swimming pool other than a private swimming pool.
  
  - J. Spa. See "Private swimming pool".
126. "Photovoltaic System". An active solar energy system that converts solar energy directly into electricity.
127. "Principal Building". A principal building is a non-accessory building in which the principal use of the lot on which it is located is conducted.
128. "Public Land". Land owned, controlled, and/or operated by a governing unit.
129. "Qualified Professional". An individual certified by the manufacturer of a wind energy conversion system as qualified to install and/or maintain that manufacturer's wind energy conversion system.
130. "Recreational Vehicle". A vehicle which is:
- a. Built on a single chassis;
  - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - c. Designed to be self-propelled or permanently towable by a light duty truck; and

- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
131. “Renewable Energy Easement, Solar Energy Easement”. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.
132. “Renewable Energy System”. A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.
133. “Roof Pitch”. The final exterior slope of a building roof, calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
134. “Rotor Diameter”. The diameter of the circle described by the moving rotor blades.
135. “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:
- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
  - b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
  - c. Basement sealing;
  - d. Repairing or replacing damaged or broken window panes;
  - e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
136. “Senior Housing”. All housing projects designed primarily or exclusively for assisted or independent living by persons over 55 years of age, or handicapped or disabled persons of any age.
137. “Service Station”. A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefore, or where battery, tire, or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.
138. “Setback”. The minimum required distance between the property line and the building line.
139. “Shadow Flicker”. Alternating in the light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects such as the window of a dwelling.
140. “Shipping Container”. A cargo container originally designed for, or capable of being mounted or moved by rail, truck, or ship. No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building, or living unit. Licensed and bonded contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a City Council.
141. “Sign”. Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
  - b. Flags and insignias of any government except when displayed in connection with commercial promotion.
  - c. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
  - d. Integral decorative or architectural features of buildings.
  - e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
142. “Signs, Community”. Temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.
143. “Sign, On-Site”. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-Site Signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
144. “Solar Access”. Unobstructed access to the solar resource (see definition below) on a lot or building including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
145. “Solar Collector”. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
146. “Solar Collector Surface”. Any part of a solar collector that absorbs solar energy for the use in the collector’s energy transformation process Collector surface does not include frames, supports and mounting hardware.
147. “Solar Daylighting”. A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.
148. “Solar Energy”. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
149. “Solar Energy Device”. A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combustion of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy device such as a trombe wall and not merely a part of a normal structure such as a window.
150. “Solar Energy System”. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.
151. “Solar Heat Exchanger”. A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

152. “Solar Hot Air System”. (also referred to as Solar Air Heat or Solar Furnace) – An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.
153. “Solar Hot Water System”. (also referred to as Solar Thermal) – A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
154. “Solar Mounting Device”. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
155. “Solar Resource”. A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.
156. “Solar Storage Unit”. A component of a solar energy device that is used to store solar generated electricity or heat for later use.
157. “Special Flood Hazard Area”. The land within a community subject to the “100-year flood”. This land is identified as Zone A on the community’s Flood Insurance Rate Map.
158. “Special Use” or “Special Use Permit”. A reasonable use provided for within a zoning classification that will not impair the public health, safety, or welfare in a zone but does not conform with the character of the zone in which it is located. Certain restrictions on the location, aesthetics, size, and other performance standards may be imposed. A special use permit is not transferable by the owner.
159. “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.

160. “Story”. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next to it.

161. "Story, Half". A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.
162. "Street". A public or private thoroughfare which affords the principal means of access to abutting property.
163. "Street Line". A dividing line between a lot, tract, or parcel of land and a contiguous street.
164. "Structural Alterations". Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
165. "Structure". That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
166. "Subdivision". The division of land into two (2) or more lots or other division of land for the purpose, whether immediate or future, or transfer of ownership or building development. The term, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or, the re-subdivision of land theretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land. This ordinance hereby adopts and incorporates by reference the restrictions of Chapter 354, The Code of Iowa.
167. "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 (50) percent of the market value of the structure before the damage occurred.

Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

168. "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 on or 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.

169. "Tent". A shelter made of flexible material erected directly on the ground providing temporary facilities for sleeping, recreation or the display of goods or services.
170. "Tourist Home". A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.
171. "Tower". The vertical component of a wind energy conversion system, solar energy system or cellular communications tower.
172. "Tract". An aliquot part of a section, a lot within an official plat, or a governmental lot.
173. "Trailer". See "Mobile Home".
174. "Trailer Park". See "Mobile Home Park".
175. "Truck Repair-Station (Garage)". A place where the following services may be carried out: general repair, engine rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender straightening and repair, painting and undercoating of trucks and heavy equipment and the sale of engine fuels stored in underground tanks.
176. "Use". The purpose for which land or structure is designed, arranged, intended or for which it is occupied or maintained.
177. "Use, Principal". The principal use for which that land or building is designed, arranged, intended, or for which it is occupied or maintained.
178. "Variance". A modification of the special regulations of this Ordinance granted by resolution of the Board of Adjustment in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.
179. "Violation". The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.
180. "Warehouse". A warehouse is a structure or part of a structure, public or private, for storing goods, wares and merchandise, whether for the owners or others.
181. "Wind Energy Conversion System". A system consisting of at least one of the following: a wind turbine, a tower, and associated control or conversion electronics, which is intended to reduce on-site consumption of utility power, is incidental and subordinate to a permitted use on the same parcel and has a rated capacity of up to one hundred (100) kilowatts.
182. "Wind Turbine". A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing into electrical energy.
183. "Yard". An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided here in.
184. "Yard, Front". An open space extending the full width of the lot, between the front lot line and the nearest building line of the principal building. The narrow frontage on a corner lot is considered the front lot line, regardless of where the building entrance is located.

185. "Yard, Rear". An open space extending the full width of the lot, between the rear lot line and the nearest building line of the principal building. On corner lots, the rear yard shall be considered as adjoining the street upon which the lot has its greater dimension. On both corner lots and interior lots, the opposite end of the lot from the front yard.
186. "Yard, Side". An open space between the principal building and the side lot line, extending from the front yard to the rear yard. This distance is measured from the nearest point of the side lot line to the nearest point of the outside wall or foundation of the principal building.

## CHAPTER 2: ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

For the purpose of this Ordinance, the following five (5) classes of districts are hereby established within the City of Casey as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

“A”	Agricultural District
“R”	Residence District
“C-1”	Commercial District
“C-2”	Business District
“M”	Industrial District

### 105 ZONING MAP.

- 105.01 Provision for Official Zoning Map.** The location and boundaries of the districts are hereby established as shown on the Official Zoning Map of the City of Casey, Iowa. Said Map, including all designations, notations, references, amendments and other information shown thereon shall be and are hereby made a part of this Ordinance by reference. The 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 this is the Official Zoning Map referred to in the Zoning Ordinance of the City of Casey, Iowa”, together with the date of adoption. The Official Zoning Map shall remain on file in the Office of the City Clerk.
- 105.02 Changes or Amendments.** Changes or amendments in district boundaries shall be made by an ordinance amending the Zoning Ordinance, and shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council with an entry notation on the Official Zoning Map identifying the change (including the changes by ordinance number and date of adoption). The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by the legal description and identify the zoning district as the same exists and the new district designation applicable to said property.
- 105.03 Replacement of Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by Resolution Adopt a new Official Zoning Map, which shall supercede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: “This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted DATE as part of the Zoning Ordinance of the City of Casey, Iowa”. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendments.

**105.04 Interpretation of District Boundaries.** The following rules shall aid in the interpretation of the Official Zoning Map:

- A. Boundaries appearing to follow the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- B. Boundaries appearing to follow platted lot lines shall be construed as following such lines;
- C. Boundaries appearing to follow City Limits shall be construed as following such City Limits;
- D. Boundaries appearing to follow railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries appearing to follow shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines;
- F. Boundaries appearing as parallel to or extensions of features indicated in Subsections A-C above shall be so construed. The scale shown on the map shall determine distances not specifically indicated on the Official Zoning Map.
- G. 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 A-F above, the Board of Adjustment shall interpret the district boundaries.
- H. Where a district boundary line divides a lot that was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, as a special exception, 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.
- I. Whenever the City Council vacates and disposes of a Street or Alley, adjacent districts shall extend to the centerline of the vacation.
- J. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this Ordinance, the legal description applies.

**106 APPLICATION OF DISTRICT REGULATIONS.** The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class of land except as hereinafter provided:

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

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

date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

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

**107 CLASSIFICATION OF NEWLY ANNEXED LAND.** All newly annexed territory shall be considered a part of the AG (Agricultural) district until zoned by the Planning and Zoning Commission and the City Council.

**108 NON-CONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES.**

**108.01 Statement of Intent.** Within the districts established by this Ordinance, there exist lots, structures, and uses of land and structures that were lawful before this Ordinance was passed or amended, but that are prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**108.02 Nonconforming Uses of Land (or Land with Minor Structures Only).** Where at the time of passage or amendment of this Ordinance lawful use of land exists that would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel.
- C. If any such nonconforming use of land ceases for any reason for a period of 12 months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.
- D. No structure or building shall be constructed on or moved onto the land, unless the use is changed to a use permitted in that district.

**108.03 Nonconforming Structures.** Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning

the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in such a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. However, where a side yard is a pre-existing nonconformity, the nonconformity may be extended along the lot line but in no case may it become closer to the lot line.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of 60% or more of its replacement cost at the time of destruction, exclusive of its foundation, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

**108.04 Maintenance and Repair to Vested Nonconforming Structures.** Nothing in this section shall prohibit the maintenance and repair of vested nonconforming structures to keep such structures in sound and safe condition, provided that no structural enlargement, extension, alteration, or change shall be made to increase the degree of nonconformity.

**108.05 Change of Tenancy, Ownership, or Management.** There may be change of tenancy, ownership, or management of any existing nonconforming use of land, structure, or land and structure providing there is not a change in the nature or character of said nonconforming use.

**108.06 Special Exceptions not Nonconforming Uses.** Any use that is permitted as a special exception in a district under the terms of this Ordinance (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a nonconforming use.

## CHAPTER 2: DISTRICT REGULATIONS

201 INDIVIDUAL DISTRICT REGULATIONS.

201.01 **AG-Agricultural District:** This district is intended to provide for areas predominantly agricultural in character or undeveloped for urban use. The following tables detail principal and accessory uses in agricultural districts; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

**USES IN THE A-AGRICULTURAL DISTRICT**

<p><b>Permitted Principal Uses</b></p> <p>Principal uses that are permitted in the agricultural district.</p>	<p><b>Permitted Accessory Uses</b></p> <p>Uses customarily incidental and subordinate to principal permitted uses. Does not require a permitted principle to have a permitted accessory use in the A- District.</p>	<p><b>Special Exceptions</b></p> <p>Uses that may be authorized only by the Board of Adjustment per Section 302.09. Specific conditions may be applied to special exceptions if they are approved.</p>
<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• One and two-family dwellings</li> <li>• Plant nurseries and greenhouses</li> <li>• Public and private schools and educational institutions of academic instruction</li> <li>• Public museums, libraries, parks, playgrounds or community centers and similar uses</li> <li>• Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not operated primarily for commercial gain</li> <li>• Private swimming pools when enclosed with a non-climbable fence at least six (6) feet in height</li> <li>• Churches and accessory buildings</li> <li>• Hospitals, nursing homes and charitable institutions (not to include penal or correctional institutions)</li> <li>• Nursery schools and childcare centers</li> </ul>	<ul style="list-style-type: none"> <li>• Private garages &amp; storage sheds, including machine sheds, barns, and farm buildings</li> <li>• Living quarters of persons employed on the premises</li> <li>• Roadside stands offering for sale only agricultural products or other products produced on the premises</li> <li>• Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work</li> <li>• Signs, On-Site. One (1) sign not exceeding 36 square feet in area pertaining to the lease, hire, or sale of the building or premises on which such sign is located. Outdoor identification signs or bulletin boards for hospitals, churches and schools and other public buildings.</li> <li>• Fences &amp; walls, per Section 202.05</li> <li>• Satellite Dish Antennas, lampposts, flagpoles, &amp; other yard fixtures per Section 202.08</li> <li>• Keeping of domestic animals as pets, but <u>not</u> on a commercial basis (i.e., breeding for sale) or scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle, or horses is prohibited except on premises containing 1 acre or more, and within an enclosure at least 100' from any house except that of the owner.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction of the minimum required side &amp; rear yard setbacks by up to 50% if application is made, applicant shows reasonable cause for such reduction, and doing so will not cause harm to any adjacent property owners</li> <li>• Airports or landing strips</li> <li>• Public utility and public service installations &amp; facilities, including substations &amp; relays, but excluding business offices, repair and storage facilities</li> </ul>

**MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE  
A-AGRICULTURAL DISTRICT\*\***

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Height
40,000 square feet, exclusive of road right-of-way	One hundred fifty (150) feet	<b>PRINCIPAL USES</b>			
		40 feet	10 feet	35 feet	2 ½ stories or thirty-five (35) maximum
		<b>ACCESSORY BUILDINGS &amp; STRUCTURES</b>			
		40 feet	10 feet	35 feet	2 ½ stories or thirty-five (35) maximum

\*\*See Section 103 for explanations regarding setback & yard measurement. See Section 202.06 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

## USES IN THE R-RESIDENTIAL DISTRICT

Permitted Principal Uses	Permitted Accessory Uses	Special Exceptions
Principal uses that are permitted in the R district.	Uses customarily incidental and subordinate to principal permitted uses, and <b>only</b> permitted if there is an existing permitted principal use  **NO MORE THAN 3 ALLOWED PER LOT**	Uses that may be authorized only by the Board of Adjustment per Section 302.09. Specific conditions may be applied to special exceptions if they are approved.
<ul style="list-style-type: none"> <li>• Single-family detached dwellings</li> <li>• Multi-family dwellings</li> <li>• Churches &amp; Accessory Facilities</li> <li>• Public museums, libraries, parks, playgrounds, or community centers and similar uses.</li> <li>• Public and private schools and educational institutions of academic instruction</li> <li>• Nursery schools and childcare centers</li> <li>• Non-profit fraternal organizations and lodges</li> <li>• Home Occupations, per provisions of Section 202.03 of this Ordinance</li> </ul>	<ul style="list-style-type: none"> <li>• Private garages &amp; storage sheds no larger or higher than the requirements listed below and in Section 202.06</li> <li>• Living quarters of persons employed on the premises</li> <li>• Parking lots</li> <li>• Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work</li> <li>• Fences &amp; walls, per Section 202.05</li> <li>• Satellite Dish Antennas, lampposts, flagpoles, &amp; other yard fixtures per Section 202.08</li> <li>• Swimming Pools, per Section 202.09</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction of the minimum required side &amp; rear yard setbacks by up to 50% if application is made, applicant shows reasonable cause for such reduction, and doing so will not cause harm to any adjacent property owners</li> <li>• Private garages &amp; storage sheds larger or higher than the requirements listed below and in Section 202.06</li> <li>• Public utility and public service installations &amp; facilities, including substations &amp; relays, but excluding business offices, repair and storage facilities</li> <li>• Bed and Breakfast Houses</li> <li>• Health care facilities &amp; Nursing homes</li> <li>• Hospitals &amp; medical, dental, or chiropractic clinics, or similar uses</li> <li>• Funeral Homes &amp; Mortuaries</li> </ul>

## MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE R RESIDENTIAL DISTRICT\*\*

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Height	
10,000 Square Feet	60 Feet	<b>PRINCIPAL USES</b>				The lesser of 2 ½ stories or 35 feet
		30 feet	8 feet	30 feet		
		<b>ACCESSORY BUILDINGS &amp; STRUCTURES</b>				No accessory structure shall exceed one (1) story or twelve (12) feet in height
		30 feet	8 feet	30 feet		
				*Garages that will have automobile access directly facing an alley must be located at least 20' from the alley.		

\*\*See Section 103 for explanations regarding setback & yard measurement. See Section 202.06 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

**C-1 Highway Commercial District.** This district is intended to provide for certain areas of the city for the development of service, retail, and other non-residential uses which, because of certain locational requirements and operation characteristics, are appropriately located in close proximity to arterial and other main thoroughfares. This district is characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares. The following tables detail principal and accessory uses in C-1 districts; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

**USES IN THE C-1 ARTERIAL COMMERCIAL DISTRICT**

<p><b>Permitted Principal Uses</b></p> <p>Principal uses that are permitted in the C-1 district.</p>	<p><b>Permitted Accessory Uses</b></p> <p>Uses customarily incidental and subordinate to principal permitted uses, and <b>only</b> permitted if there is an existing permitted principal use</p>	<p><b>Special Exceptions</b></p> <p>Uses that may be authorized only by the Board of Adjustment per Section 302.09. Specific conditions may be applied to special exceptions if they are approved.</p>
<ul style="list-style-type: none"> <li>• Sales and display rooms and lots, including yards for the storage or display of new or used building materials, but not for any scrap or salvage operation or sales. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least 6 feet high.</li> <li>• Business or Professional Offices</li> <li>• Automobile Repair, Major &amp; Minor</li> <li>• Churches &amp; Accessory Facilities</li> <li>• Hotels and motels</li> <li>• Any other retail or service sales business, including food preparation for off-site sales (catering)</li> <li>• All publicly owned and operated buildings and facilities, including storage &amp; repair facilities</li> <li>• Public utility business offices, repair, &amp; storage facilities</li> <li>• Health Care Facilities &amp; Nursing Homes</li> <li>• Hospitals &amp; medical, dental, or chiropractic clinics, or similar uses</li> <li>• Funeral Homes</li> </ul>	<ul style="list-style-type: none"> <li>• Outdoor Sales &amp; Service</li> <li>• Parking Lots</li> <li>• Private garages &amp; storage sheds no larger or higher than the requirements listed below and in Section 202.06</li> <li>• Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work</li> <li>• Private recreational facilities</li> <li>• Fences &amp; walls, per Section 202.05</li> <li>• Satellite Dish Antennas, lampposts, flagpoles, &amp; other yard fixtures per Section 202.08</li> <li>• Swimming Pools, per Section 202.09</li> <li>• Living quarters of persons employed on the premises or otherwise used as a separate dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction of the minimum required side &amp; rear yard setbacks by up to 50% if application is made, applicant shows reasonable cause for such reduction, and doing so will not cause harm to any adjacent property owners</li> <li>• Public utility and public service installations &amp; facilities, including substations &amp; relays</li> </ul>

**MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE  
C-1 ARTERIAL COMMERCIAL DISTRICT\*\***

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Height
<b>6,000</b> square feet	<b>50</b> feet	<b>PRINCIPAL USES</b>			
		<b>25</b> feet	<b>0</b> feet If adjacent to a residential district, the side yard shall be a minimum of 8 ft.	<b>0</b> feet If adjacent to a residential district, the side yard shall be a minimum of 8 ft.	The lesser of 3 stories or 45 feet
		<b>ACCESSORY BUILDINGS &amp; STRUCTURES</b>			
		<b>25</b> feet	8 feet, except if adjacent to an alley, then 3 feet	8 feet, except if adjacent to an alley, then 3 feet	The lesser of 3 stories or 45 feet

\*\*See Section 103 for explanations regarding setback & yard measurement. See Section 202.06 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

**C-2 Central Business (Main Street) Commercial District.** This district is intended to accommodate the major business and office concentration in the City. It is characterized further by a variety of stores and related activities that occupy the central commercial area of the City. This district is intended to be the single central business district in the City, and no other use of this district designation shall be utilized other than continuously with the currently established district. The following tables detail principal and accessory uses in the C-2 district; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

	<b>USES IN THE C-2 CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT</b>
--	--

<b>Permitted Principal Uses</b>	<b>Permitted Accessory Uses</b>	<b>Special Exceptions</b>
<p>Principal uses that are permitted in the C-2 district.</p> <ul style="list-style-type: none"> <li>• Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products</li> <li>• Hotels and motels</li> <li>• Dwellings-2<sup>nd</sup> floor and above</li> <li>• All publicly owned and operated buildings and facilities</li> <li>• Business or Professional Offices</li> <li>• Automobile Repair, Minor</li> <li>• Churches &amp; Accessory Facilities</li> <li>• Any other retail or service sales business, including food preparation for off-site sales (catering)</li> <li>• Public utility business offices, repair, &amp; storage facilities</li> <li>• Hospitals &amp; medical, dental, or chiropractic clinics, or similar uses</li> <li>• Funeral Homes</li> </ul>	<p>Uses customarily incidental and subordinate to principal permitted uses, and <b>only</b> permitted if there is an existing permitted principal use</p> <ul style="list-style-type: none"> <li>• Private garages &amp; storage sheds no larger or higher than the requirements listed below and in Section 202.06</li> <li>• Living quarters of persons employed on the premises -2<sup>nd</sup> floor and above</li> <li>• Parking lots</li> <li>• Temporary uses, such as buildings for uses incidental to construction work which shall be removed upon completion or abandonment of the work</li> <li>• Fences &amp; walls, per Section 202.05</li> <li>• Satellite Dish Antennas, lampposts, flagpoles, &amp; other yard fixtures per Section 202.08</li> <li>• Swimming Pools, per Section 202.09</li> </ul>	<p>Uses that may be authorized only by the Board of Adjustment per Section 302.09. Specific conditions may be applied to special exceptions if they are approved.</p> <ul style="list-style-type: none"> <li>• Service stations</li> <li>• Warehousing</li> <li>• Outdoor storage</li> <li>• Automobile Repair, Major</li> <li>• Private garages &amp; storage sheds larger or higher than the requirements listed below and in Section 202.06</li> <li>• Public utility and public service installations &amp; facilities, including substations &amp; relays</li> <li>• Recreational trails, public or private</li> </ul>

**MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE  
C-2 CENTRAL BUSINESS DISTRICT COMMERCIAL DISTRICT\*\***

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Height
None	20 feet	<b>PRINCIPAL USES</b>			
		None	None	None	The lesser of 3 stories or 45 feet
		<b>ACCESSORY BUILDINGS &amp; STRUCTURES</b>			
		None	None	None	The lesser of 3 stories or 45 feet

\*\*See Section 103 for explanations regarding setback & yard measurement. See Section 202.06 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

**M1-Industrial District:** This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole, by reasons of noise, dust, smoke, odor, traffic, physical appearance, or other similar factors. Outdoor storage is allowed in this district when the material is enclosed within a fence (solid or otherwise impenetrable, such as chain link) at least 6 feet high and said fence is within required setback lines. All industrial operations must be in an enclosed building. No residential uses are permitted in the Industrial District. The following tables detail principal and accessory uses in the M district; special exceptions, which require approval of the Board of Adjustment; and setback, area, and height requirements.

**USES IN THE M - INDUSTRIAL DISTRICT**

<p style="text-align: center;"><b>Permitted Principal Uses</b></p> <p style="text-align: center;">Principal uses that are permitted in the M district.</p>	<p style="text-align: center;"><b>Permitted Accessory Uses</b></p> <p style="text-align: center;">Uses customarily incidental and subordinate to principal permitted uses, and <b>only</b> permitted if there is an existing permitted principal use</p>	<p style="text-align: center;"><b>Special Exceptions</b></p> <p style="text-align: center;">Uses that may be authorized only by the Board of Adjustment. Specific conditions may be applied to special exceptions if they are approved.</p>
<ul style="list-style-type: none"> <li>• Any Principal Permitted Uses in the C-1 or C-2 Commercial Districts</li> <li>• Automobile Repair, Major &amp; Minor &amp; Service Stations</li> <li>• Automobile Wrecking Yards. Outdoor or open storage shall be allowed only when the vehicles or parts are enclosed within a solid fence at least 6 feet high. Yards should be paved or gravel surfaced.</li> <li>• Animal Hospitals &amp; Veterinary Clinics</li> <li>• Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils</li> <li>• Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials</li> <li>• Assembly of appliances and equipment, including manufacturing</li> <li>• Wholesale distribution of all standard types of prepared or packaged merchandise</li> <li>• Sale and storage of building materials. Outdoor or open storage shall be allowed when the material is enclosed within a solid or other impenetrable (such as chain link) fence at least 6 feet high.</li> <li>• Contractor's offices and storage of equipment</li> <li>• Public utility and public service installations &amp; facilities, including substations &amp; relays</li> </ul>	<ul style="list-style-type: none"> <li>• Living quarters for watchmen or custodians of industrial properties</li> </ul>	<ul style="list-style-type: none"> <li>• Open storage of contractor's equipment and/or supplies</li> </ul>

**MINIMUM SETBACK, AREA, & HEIGHT REQUIREMENTS IN THE  
M - INDUSTRIAL DISTRICT\*\***

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Height
None	None	<b>PRINCIPAL USES</b>			
		25 feet	20 feet, except if adjacent to a residential district, then it shall be 100 ft. except where adjoining a railroad right of way.	25 feet, unless bordering a railroad right-of-way, in which case none shall be required.	The lesser of 3 stories or 50 feet.
		<b>ADDITIONAL BUILDINGS &amp; STRUCTURES</b>			
		25 feet	20 feet, except if adjacent to a residential district, then it shall be 100 ft. except where adjoining a railroad right of way.	25 feet, unless bordering a railroad right-of-way, in which case none shall be required.	The lesser of 3 stories or 50 feet

\*\*See Section 103 for explanations regarding setback & yard measurement. See Section 202.06 for modifications and exceptions of setback, area, & height requirements as well as other requirements that may apply to principal and accessory uses.

**202.01 Planned Unit Developments.** The owner or owners of any tract of land comprising an area of not less than 3 acres may submit to the City Council a plan for the use and development of the entire tract of land, commonly referred to as a “Planned Unit Development” (or P.U.D.). A P.U.D. is intended to provide a means of the development or redevelopment of tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single-lot method provided in other sections of the Ordinance.

It is further the intent of this section that the basic principles of good land use planning, including an orderly and graded relationship between various types of uses, be maintained and that the zoning standards as set forth in this Ordinance be preserved. Normal permitted uses are those of a primarily residential character including single-family and multiple-family dwellings; usual accessory buildings such as garages; storage space; maintenance structures; and buildings for recreational purposes. Commercial uses in such developments are limited to those that are primarily for the service and convenience of the residents of the development.

- A. Review by Planning & Zoning Commission. Any proposals for a P.U.D. received by the Council shall be referred to the Planning & Zoning Commission for study and report, and the Commission shall hold a public hearing on the proposed plan. After the public hearing, the Commission may recommend the project for approval if it finds, through its studies of the proposed project, that the project meets the following conditions:
1. That the tract of land on which the project is to be erected is of sufficient size and has appropriate topography and sufficient access to service to support the project.
  2. That the buildings are to be used primarily for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.
  3. That the average lot area per family or dwelling unit on the site, exclusive of the area occupied by drives or streets, will not be less than the lot area per family required in the residential district in which the project is to be located.
  4. That there is to be provided within the tract or immediately adjacent thereto, parking spaces in private garages or off-street parking areas.
  5. That there are to be provided, as a part of the project, adequate recreation facilities to serve the needs of the anticipated population to be housed therein.
  6. That drives, access ways, and parking areas are developed to a standard equal to that required for public use.
  7. That such drives and access ways are protected by recorded deed covenants assuring their availability to all residents of the project.
  8. That the proposed project will constitute a residential environment of a sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and ensure substantially the same type of occupancy as obtained or may be expected to be obtained in said neighborhood; that it will result in intensity of land utilization no higher, and standards of open spaces at least as high as permitted or specified in the ordinance in the district in which the project is to be located.
  9. That the project will be consistent with the intent and purpose of the ordinance to promote public health, safety, and general welfare.
- B. Setback Requirements. The setback requirements of the conventional zoning districts in which the development is located do not apply, except that minimum yards specified in the

conventional district for suitable screening or buffering shall be provided around the boundary of the development.

- C. Approval by City Council. After review by the Planning & Zoning Commission, the City Council may then consider the P.U.D. proposal. If the City Council approves the plan, building permits may be issued even though the use of the land, location of buildings, and yards and open spaces detailed by the plans do not conform in all respects to the district regulations of the district in which it is located. Upon approval, said area shall be designated on the official zoning map.

**202.02 Signs.** The following regulations shall apply to signs in all districts.

- A. No sign may be lighted in a manner that impairs the vision of the driver of any motor vehicle.
- B. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- C. No sign may imitate or resemble an official traffic control sign, signal, or device.
- D. Signs shall not encroach or extend over public right-of-way.
- E. No sign may obscure or physically interfere with an official traffic control sign, signal, or device.
- F. No advertisement or advertising structure shall be posted, erected, or maintained that simulates any official, directional, or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- H. No billboard, sign, banner, or other advertisement shall be constructed of such height that it interferes with any utility pole, line, or wire. Utility providers may provide restrictions regarding how close billboards, signs, banners and supporting structures may be located in relation to utility poles and wires. Such restrictions shall govern.
- H. Billboards and off-premise signs (i.e., signs not attached to businesses) shall be allowed in M, C-1, and C-2 districts, and only in other districts by special exception of the Board of Adjustment, and shall be subject to the following requirements:
  - 1. No billboard or similar advertising banner or signboard shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
  - 2. Billboards shall not exceed 300 square feet in area.
  - 3. No billboard or similar advertising banner or signboard shall be constructed or located where it will unreasonably interfere with the use and enjoyment of neighboring property.
  - 4. Billboards and off-premise signs with a total sign surface area of 32 square feet or less may be located on any part of a lot provided the sign is no higher than 5 feet and does not interfere with any traffic visibility. Signs between 33 and 75 square feet may be located may be constructed so that the closest edge of the sign or structure supporting the sign is a minimum of 10 feet from any adjacent property line. Height requirements in the district apply. Billboards with sign surface areas over 75 square feet shall be subject to the same height and location (setback) requirements as other structures in the respective district.

5. All billboards and off-premise signs shall require a building permit per Section 306 of this Ordinance, but signs shall not be considered towards the maximum of three (3) accessory uses/structures per lot.

**202.03 Home Occupations.** Within the various districts as described, certain uses are permitted, as they are mutually compatible. It is the intent of this section to restrict incompatible uses; however, it is not the intent to eliminate certain home occupations that may be compatible with residential areas. Home occupations are hereby permitted and defined as business, occupation, or profession carried on within a residential dwelling by a resident thereof, and shall be subject to the following provisions:

- A. There shall be no exterior advertising other than identification of the home occupation by a sign that shall be attached to the dwelling and shall not exceed 10 square feet in area. Off-premise signs may be approved by special exception of the Board of Adjustment if an applicant can show reasonable cause and prove that the installation of said sign will not result in harm to any adjacent property owners or cause traffic visibility problems. Such signs may not exceed 32 square feet in surface area.
- B. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, and electrical or electronic disturbance at or beyond the property line.
- C. The activity shall employ primarily members of the immediate family of the residents of the dwelling.
- D. The use shall be clearly incidental and secondary to the use of the dwelling purposes and shall not change the character thereof.
- E. There shall not be any activity so as to cause parking and/or traffic problems annoying to adjacent property owners and the public. A home occupation shall provide additional off-street parking area in accordance with the provisions of this Ordinance.
- F. The above listed provisions shall not be construed to restrict rummage or garage sales of the sale of garden produce on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for the display of produce.

**202.04 Off-street Parking and Loading Requirements.** The intent of this section is to prevent traffic congestion and to provide for property traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. The requirements of this section are minimums, and in certain circumstances, they may be inadequate. If a review of site plans or building permit applications reveals, through the application of proven standards or experience, that the requirements herein are inadequate for the specific project or land use, greater requirements for parking or off-street loading may be required by the Council.

- A. Off-Street Loading. The following off-street loading requirements shall apply in all zoning districts:
  1. All activities or uses allowed in any district shall be provided with adequate receiving facilities accessible by motor vehicle from any adjacent service drive or open space on the same lot.
  2. Loading shall not be permitted to block the public right-of-way.
- B. Parking Requirements. The following minimum off-street parking requirements shall apply:

## OFF-STREET PARKING REQUIREMENTS

Zoning District	Use	Off-Street Spaces Required
<b>R RESIDENTIAL</b> (ALL RS DISTRICTS)	Dwellings	2 for each living unit in the building
	Public Buildings & Facilities	1 for every 300 square feet of floor area or 1 for every 5 seats in the main assembly area
	Churches	1 for every 5 seats in the main auditorium
	Nursery Schools	1 for each employee
	Elementary & Junior High Schools	1 for each classroom & office, plus 1 for every 300 square feet of floor area in auditorium or classroom
	High Schools	1 for each employee, plus 1 for every 10 students
<b>C-1 ARTERIAL COMMERCIAL</b>	Sales & Service	1 for every 300 square feet of floor area
	Offices & Clinics	1 for every 300 square feet of floor area
	Churches	1 for every 5 seats in the main auditorium
	Public Buildings & Facilities	1 for every 300 square feet of floor area or 1 for every 5 seats in the main assembly area
	Hotels & Motels	1 per room, plus one for each employee
<b>C-2 CENTRAL BUSINESS DISTRICT</b>	Dwellings	2 for each living unit in building, unless waived by Board of Adjustment
	All other uses	NONE REQUIRED
<b>M INDUSTRIAL</b>	Commercial Uses	1 for every 300 square feet of floor area
	Industrial Uses	1 for every 2 employees on the largest shift working at any one time
<b>ALL DISTRICTS</b>	Uses Not Specified	As determined by the Board of Adjustment based on comparable uses

C. Other Off-street Driveway, Parking & Loading Provisions.

1. All parking spaces should be a minimum of 9 feet wide and 19 feet long.
2. Adequate entrances and exits shall be provided for so as to minimize traffic congestion.
3. Parking areas shall be properly graded for drainage and surfaced with Portland cement, asphaltic cement concrete, other hard-surfaced paving materials, or crushed gravel.
4. Driveways in Residential Areas: Driveways in residential areas that lead directly to a garage attached to a house, or that lead to a detached garage located in a side yard shall be hard-surfaced or granular surfaced. Driveways leading to garages or sheds in rear yards shall not require specific surfacing.

5. New Additions: In case of new additions to existing buildings, off-street parking and loading areas shall be provided for the new floor area added in accordance with the provisions the table above.
6. Several Uses: If several uses occupy a single structure or parcel, the total requirements for off-street parking shall be the sum of the requirements of the uses computed separately.
7. Joint Use. Owners of 2 or more uses, structures, or parcels may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap or are adequate for both uses, provided that satisfactory legal evidence is presented in the form of deeds, leases, or contracts to establish joint use.
8. Availability: Required spaces shall be available for the parking of licensed and operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business of use.
9. Location: Off-street parking space for single or multiple-family dwellings shall be provided within the dwelling or on the premises of the dwelling. Off-street parking spaces for other buildings shall be provided within the buildings, on the premises, or on a permanently reserved space on another lot, any portion of which is within 300 feet of said buildings, with the exception of auditoriums, theaters, churches, assembly halls, or stadiums, which parking spaces can be within 600 feet of the latter.
10. Plan: All applications for building permits shall include plans showing how the off-street parking and loading requirements will be met.

D. Vehicles & Trailer Parking in Residential Districts. In residential districts, vehicles or trailers of any kind or type without current license plates shall not be parked or stored other than in completely enclosed buildings. No automotive vehicle or trailer of any kind shall be parked or stored in a required front yard on any lot in any residential district except when parked on a designated hard surfaced driveway. No vehicle of any kind shall be parked on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.

**202.05 Fences, Walls, Hedges, & Trees.** Fences, walls (including retaining walls), hedges, and trees are permitted in all districts in accordance with the following provisions. Fences shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, chain-link, wrought iron or natural plantings, but shall not include corrugated sheet metal or salvage lumber. Fences and walls shall not be considered towards the maximum of three (3) accessory uses/structures per lot.

- A. Fences shall not be allowed in any front yard. Retaining walls, walls, hedges, shrubs, and other plantings 3 feet high or less (as measured from the established street grade) may be located in a front yard.
- B. Fences, walls, or hedges 6 feet high or less may be located on any remaining part of a lot, except that side and rear yard setbacks for accessory structures shall apply if the fence adjoins a public alley. Higher fences may be allowed by special exception by the Board of Adjustment. Fences shall be constructed with the “finished” side facing the neighboring property.

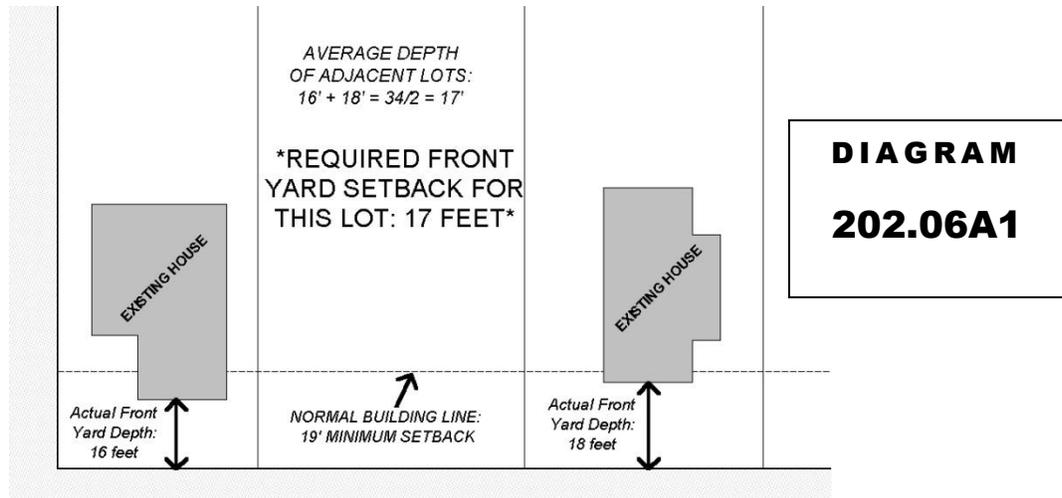
- C. Snow fences (including wooden and plastic-type) shall be allowed on a temporary basis in all districts. Snow fences shall only be allowed during the months of November through April, and any snow fence left standing outside of those months shall be considered a nonconforming structure and must be removed.
- D. The construction of any fence or wall shall require a building permit per Section 306 of this Ordinance.
- E. Tree branches that overhang a public sidewalk shall be kept trimmed to a height of at least eight feet above the sidewalk level. Tree branches that overhang a public street shall be kept trimmed to a height of at least 15 feet above the street level.
- F. Trees and shrubs shall not be planted on public right-of-way without first obtaining a permit from the City.

**202.06 Area, Height, Yard, Setback Modifications and Exceptions**

A. Front Yard Modifications & Exceptions.

1. Bay windows or balconies occupying in the aggregate not more than 1/3 of the front wall, open fire escapes, and the ordinary projection of fireplaces and flues may project 3 & ½ feet into a required yard if so approved and permitted by the Zoning/Building Administrator.
2. Belt courses, leaders, sills, pilasters, or other decorative features may project no more than 2 feet into a required yard.
3. Open, unenclosed and uncovered porches, stairs, decks, and ramps may extend up to 10 feet into a front yard.
4. In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less than the minimum front yard setback prescribed, front yard setbacks may be varied.

The depth of the front yard setback on such lot shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of front yard on a lot in any residential district shall be at least 15 feet. (See Diagram 02-02.06A1 below for example)



B. Side Yard Modifications & Exceptions.

1. Along any district boundary line, any abutting side yard setback on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district.
2. Side yard setbacks may be reduced by three inches from the otherwise required least width of each side yard setback for each foot by which a lot of record at the time of enactment of this Ordinance is narrower than the minimum lot width specified for the district in which the lot is located, provided the owner of record does not own any adjoining property, and provided that no side yard shall be narrower at any point than three feet. (See following below for sample)

	<b>SAMPLE CALCULATION OF SIDE YARD SETBACK REDUCTIONS FOR EXISTING LOTS SMALLER THAN MINIMUM REQUIREMENTS OF THIS ORDINANCE</b>
--	---

Actual Lot Width	Minimum Required	Difference	X 3 inches =	60 inches ÷ 12 inches (1 foot) =
50 feet	70 feet	20 feet	60 inches	<b>5'</b> (total reduction in side yard setback, or 2 ½ feet for each side yard)

C. Accessory Buildings & Structures. No accessory building, including detached private garages, storage sheds, doghouses or runs, or any other such structure may be constructed in any required front yard. Such structures may be constructed in a side or rear yard provided the structure is not closer than 5 feet from any side or rear lot line, except when adjacent to an alley line, in which case it may be located no closer than 3 feet from the alley line. Garages with access directly facing an alley shall be located no closer than 20 feet from the alley line.

Accessory buildings and structures shall be kept a minimum of 5 feet from the principal building, and the total area of all accessory buildings & structures (in aggregate) shall not occupy more than 75 percent of a required rear or side yard.

There shall be no more than three (3) accessory buildings or structures on any property in a residential district unless so approved by special exception by the Board. (i.e., a detached garage, garden shed, and dog run would be considered 3 accessory structures and would constitute the maximum).

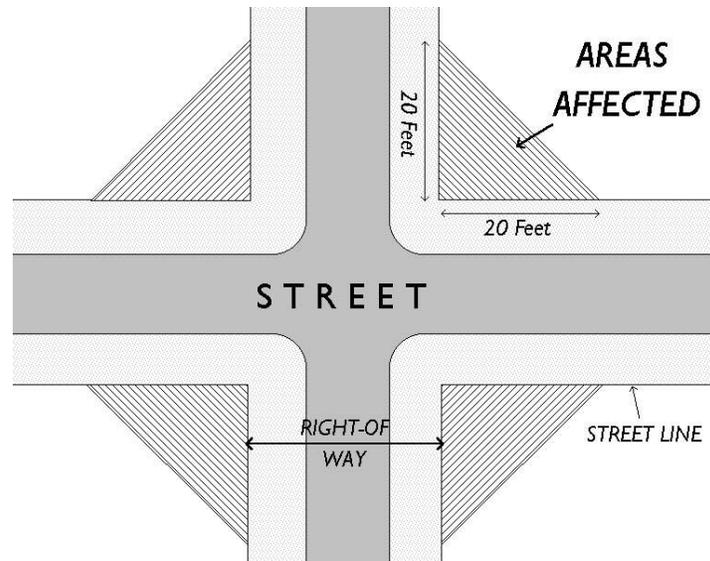
Galvanized steel or aluminum panels or siding is prohibited from use on principal or accessory structures in residential areas. Painted steel or aluminum siding or roofing materials may be allowed. All accessory buildings (including garages, sheds, dog houses, etc.) in residential districts shall be constructed with materials and finishes that conform in style and aesthetics to the principal structure (house, apartment, etc.) on the property, and fit in with the character of the surrounding residential neighborhood and properties.

D. Height Limits. Height limits specified in district regulations or elsewhere shall not apply to chimneys, church steeples, cooling towers, fire towers, monuments, stacks, stage towers or scenery, lofts, water towers, spires, wireless communication towers, elevator bulkheads, or other necessary mechanical appurtances.

E. Height Limits in Commercial and Industrial Districts. Buildings and Structures in excess of forty-five (45) feet in Commercial and Industrial Districts shall be permitted provided that the required side and/or rear yards that abut a residential district are increased by one foot for each foot of additional building height above 45 feet.

F. Driveways, Sidewalks, Patios, and other Paving. All paved driveways, sidewalks, patios or other paving constructed on the ground, or less than 18 inches above the average grade of the ground, shall be allowed to be constructed within any required front, side, or rear yards. However no paving shall encroach closer than two (2) feet to any property line that does not abut a public street or alley, except for public sidewalks. The construction or installation of any paving shall require a building permit per the requirements of Section 306 of this Ordinance.

**202.07 Traffic Visibility Across Corner Lots.** In any residential district on any corner lot, nothing shall be erected, placed, maintained, planted, or allowed to grow within 20 feet of the corner of the intersection right-of-way so as to interfere with traffic visibility across the corner (See Diagram 202.7A for illustration).



**DIAGRAM  
202.07A**

**202.08 Accessory Yard Fixtures (Satellite Dishes, Lampposts, Flagpoles, etc.).** Accessory fixtures are allowed in all districts subject to the following provisions and limitations. Accessory fixtures shall not be considered towards the maximum of three (3) accessory uses/structures. The permanent installation of any such fixture, whether listed here or not, shall require a building permit per the requirements of Section 306 of this Ordinance. Fixtures not permanently attached to the property shall not require a building permit, but are still subject to the requirements herein.

- A. Liquid Propane Fuel Tanks: All liquid propane fuel tanks shall be placed in rear or side yards. LP fuel tanks holding under 125 gallons may be placed in any part of rear or side yards. LP fuel tanks holding between 125 and 500 gallons shall be placed a minimum of 10 feet from any property or lot line. In relation to buildings and structures, LP fuel tanks shall be sited at distances from buildings sufficient to meet Uniform Fire Code requirements.
- B. Satellite Dish Antennas. The placement of satellite dish antennas, either permanent or temporary, is permitted in side or rear yards of any district. Satellite dish antennas shall be considered an accessory structure (except that a 72 hour temporary use is allowed), and shall be subject to provisions for accessory structures as provided in Section 202.06C. No satellite dish shall exceed a diameter of 12 feet, except in the case of one that is owned and operated by, and part of a public cable television system.
- C. Lampposts. Lampposts, light bollards, and other similar exterior lighting fixtures are permitted in all districts. Lampposts shall not exceed a height of 7 feet except by special exception, and no lamppost or bollard exceeding 3 feet in height may be erected or placed within 20 feet of any intersection or on any public utility easement. All electrical and gas lines powering lampposts or bollards must be underground.
- D. Flagpoles. Flagpoles are permitted in all districts. Flagpoles shall be subject to height requirements in each district. Flagpoles may be erected in any part of a yard so long as they do

not interfere with any public utility lines or create traffic visibility issues. All electrical lines powering lights for lighted flagpoles shall be underground. Flags and flagpoles attached directly to structures shall not require a building permit.

- E. Trellises, Clotheslines, etc. Fixtures such as trellises and clotheslines may be erected on any part of a side or rear yard so long as they meet all other requirements of this Ordinance.
- F. Basketball Hoop Poles. Basketball hoop poles may be erected on any part of a rear or side yard so long as they meet all other requirements of this Ordinance and do not interfere with any public utility lines or create visibility issues. Basketball hoop poles may be installed in a front yard only if they are adjacent to a paved driveway that leads to an enclosed garage, are no closer to the property line than the midway point between the property line and the structure, and do not interfere with any public utility lines or create visibility issues.
- G. Playhouses & Other Playground Equipment. Playhouses, swing sets, “jungle gyms”, and other similar equipment shall not be allowed in any front yard. Such items shall be considered accessory structures when permanently affixed, and side and rear yard setbacks shall apply.

**202.09 Swimming Pools and Ponds in Residential Districts.** Swimming pools and ponds are permitted in any rear yard, with the following provisions:

- A. Swimming pools must be located, whether permanently installed or not, at least 6 feet from the nearest lot line. The maximum area of any permanently constructed swimming pool should not exceed 15 percent of the total lot area.
- B. All permanently constructed swimming pools must be enclosed by a fence at least 4 feet high and located not less than 5 feet and not more than 15 feet from the edge of the pool. Such fence may be solid or not, but must prevent unauthorized access to the pool area (i.e., a chain-linked fence is acceptable).
- C. The maximum height of swimming pools is 4 feet above the finished grade level of the ground surrounding the pool.
- D. Swimming pools or any portion thereof may not be located directly under any electrical service wires.
- E. Temporary swimming pools, such as those not intended for permanent installation (by manufacturer’s design or otherwise), shall not be subject to the fence requirements listed in “B” above, but shall be subject to all other provisions herein. Additionally, property owners or occupants with temporary swimming pools shall make provisions to safeguard against accidents and prevent unauthorized access, including taking such actions as draining or covering the pool, erecting temporary fencing, etc.

**202.10 Structures to Have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

**202.11 Residential Dwelling Standards.** In all districts permitting single-family dwellings on a single lot, the following standards shall apply to each new dwelling constructed:

- A. The dwelling shall have a minimum width of not less than 24 feet.
- B. The foundation shall meet one of the following construction type requirements:
  - 1. A continuous and complete permanent perimeter foundation on the main body of the structure;
  - 2. Slab-style, with 10-inch width by 42-inch depth perimeter frost footing;
  - 3. Pier footing system, provided the planned footings have been designed and are constructed to be compatible with the proposed structure and the building site, and have certification to such from a structural engineer or architect
  - 4. Structures shall be permanently affixed to the foundation.
- C. All hitches, wheels, axles, and any other types of towing devices shall be permanently removed.
- D. All dwellings shall contain a minimum of 900 square feet of living space.

**202.12 Wind Energy Conversion Systems**

- A. Purpose. The purpose of this section is to allow and encourage the safe, effective and efficient use of small wind energy systems; identify locations in areas of the City which would be least adversely impacted by the visual, aesthetic, and safety implications of their siting; and enhance the ability of the providers of wind energy services to provide such services to the community quickly, efficiently, and effectively.
- B. General Regulations.
  - 1. General: wind energy conversion systems shall be allowed as a special use accessory to a permitted use in all zoning districts other than residential zoning districts.
  - 2. Number of systems per property: no property shall contain more than one wind energy conversion system.
  - 3. Permit required: all wind energy conversion systems require a special use permit to be obtained from the Board of Adjustment prior to site grading and installation. The Board of Adjustment can revoke a special permit at any time if the requirements set forth in this ordinance and/or any conditions imposed by the Board of Adjustment are not met. The Board of Adjustment will revoke the special use permit of an abandoned wind energy conversion system.
  - 4. Insurance: the owner/operator of a wind energy conversion system unit must demonstrate adequate liability insurance.
  - 5. FAA Regulations: wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. The applicant has the responsibility of determining applicable FAA regulations and must provide evidence of securing the necessary approvals.

6. Maintenance: all wind energy conversion systems shall be properly maintained in operational condition at all times, subject to reasonable maintenance and repair outages. The owner of any wind energy conversion system deemed unsafe by the zoning official or his/her designee shall repair the structure to meet all federal, state and local safety standards or remove it within six (6) months.

C. Bulk Regulations:

1. Minimum Lot Size: two (2) acre minimum lot size required for any tower mounted wind energy conversion systems.
2. Minimum Setback Requirements: all wind energy conversion systems shall require a setback of one hundred ten percent (110%) of the total system height from any property line.
3. Maximum Height: the maximum height for wind energy conversion system is eighty (80) feet.
4. Number of Systems Allowed: no more than one (1) wind energy system may be placed on any parcel.
5. Location:
  - a. Tower mounted wind energy conversion systems shall only be located outside of any minimum building setback requirements.
  - b. No part of a wind energy conversion system shall be located within or over drainage, utility or other established easements, or on or over property lines.
  - c. A wind energy conversion system shall be in compliance with guidelines of the Federal Aviation Administration (FAA) regulations.
  - d. No wind energy conversion system shall be constructed within twenty (20) feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five (5) feet.
  - e. No wind energy conversion system shall be located in a residential zoning district.
  - f. No roof mounted wind energy conversion system will be allowed.
6. Minimum System Design Standards. The following standards are required of all wind energy conversion systems and shall be deemed to be conditions of approval for every wind energy system.
  - a. Color: the wind energy conversion system shall be white or light gray in color. Other neutral colors may be allowed at the discretion of the Board of Adjustment. The surface of the structure shall be non-reflective.
  - b. Lighting: no lights shall be installed on the tower, unless required by the Federal Aviation Administration (FAA).
7. Signs: One sign, limited to four (4) square feet, shall be posted at or near the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number to the property owner/operator to call in case of emergency. Such sign shall be directly visible from any external fencing and/or landscaping. Brand names or advertising associated with any installation shall not be visible from any public right-of-way.

8. Clearance of Blade Above Ground: no portion of the tower mounted wind energy conversion system shall extend within thirty (30) feet of the ground. No blades may extend over parking areas, driveways or sidewalks.
9. Installation: installation must be done by a qualified professional and according to manufacturer's recommendations.
10. Noise: the wind energy conversion system shall not exceed 65 decibels, except during short term events such as severe wind storms and utility outages. Maximum sound pressures will be measured from the closest point on the closest property line.
11. Use of Electricity Generated: a wind energy conversion system shall be used exclusively to supply electrical power for onsite consumption, except that when a parcel on which a wind energy conversion system is installed also receives electrical power supplied by a utility company, excess electrical power generated by the wind energy system and not presently needed for onsite use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.
12. Automatic Over speed Controls: all wind energy conversion systems shall be equipped with manual and automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy conversion system.
13. Electromagnetic Interference: all blades shall be constructed of a nonmetallic substance. No wind energy conversion system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind energy conversion system shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
14. Interconnection: the wind energy conversion system, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.
15. Wind Access Easements: the enactment of this section does not constitute the granting of an easement by the City. The owner/operator shall provide covenants, easements, or similar documentation to assure sufficient wind to operate the wind energy conversion system unless adequate accessibility to the wind is provided by the site.
16. Shadow Flicker: a shadow flicker model demonstrates that shadow flicker shall not fall on, or in, any existing residential structure. Shadow flicker expected to fall on a roadway or a portion of residentially zoned parcel may be acceptable if the flicker does not exceed thirty (30) hours per year; and the flicker will fall more than one hundred (100) feet from an existing residence; or the traffic volumes are less than five hundred (500) vehicles per day on the roadway. The shadow flicker model shall:
  - (1) Map and describe within a one thousand (1,000) foot radius of the proposed dispersed wind energy system the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speed;

- (2) Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations;
  - (3) Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.
17. Appearance: the property owner of any wind energy system shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system. The owner shall maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds, and any structures remain quality in appearance.
- D. Abandonment. Any wind energy system that is not operated for a period of one hundred eighty (180) consecutive days shall be considered abandoned and shall constitute a nuisance. Within the next 180 days, after notice from the City, the owner shall reactivate the tower or it shall be dismantled and removed at the owner's expense. Removal of the system includes the entire structure including foundations, transmission equipment and fencing from the property. If the abandoned wind energy system is not removed in the specified amount of time, the City may remove it and recover its costs from the wind energy conversion system owner or owner of the ground upon which it is located.
- E. New Technologies. Should new technology present itself after construction that is more effective, efficient, and economical, the owner may petition the City to allow the upgrade, provided that the upgrade does not alter the conditions set forth in this chapter.
- F. Liability and Damages. The owner/operator of a wind energy conversion system must demonstrate adequate liability insurance. Upon the granting of a permit, applicant shall assume full responsibility for any and all damages, claims, expenses, liabilities, judgments and costs of any kind, including reasonable attorney's fees related to or caused by the erection, location, use, or removal of a facility, whether on public or private property, and shall agree to hold the City harmless, indemnify and defend it from all such liabilities incurred or judgments entered against it as a result of the erection, location, use or removal of the facility.
- G. Engineer Certification. Applications for wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted.
- H. Utility Notification. A wind energy conversion system shall not 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.
- I. Application and Approval Requirements. Applications for a special use permit shall be submitted with the following information:
  - (1) A properly completed and signed application.
  - (2) A statement from the applicant that the wind energy conversion system will be installed in compliance with manufacturer's specifications, and a copy of the manufacturer's specifications.

- (3) A statement indicating what hazardous materials will be used or stored on the site and how those materials will be stored.
- (4) A description of the wind energy conversion system's height and design, including a cross section, elevation, and diagram of how the wind energy conversion system will be anchored to the ground, prepared by a professional engineer licensed in the State of Iowa.
- (5) A site plan including the following information:
  - (1) Legal description of the property
  - (2) Parcel boundaries
  - (3) Existing buildings
  - (4) Easements
  - (5) Fencing
  - (6) Proposed location of wind energy conversion system
  - (7) Setbacks
  - (8) Travel ways
  - (9) Overhead utility lines
  - (10) Contour map with contours at intervals of two feet, if the general slope is less than ten (10) percent, and at vertical intervals of five feet if the general slope is greater than ten (10) percent.
  - (11) If connection to the publicly regulated utility grid is proposed, a copy of the contract between applicant and utility verifying the proposed connection is acceptable, and/or other evidence making clear that the utility is aware of the proposed connection and finds it acceptable.
  - (12) Shadow flicker model.
- (6) The City may require that the application and site plan be reviewed by a City Engineer before the Board of Adjustment schedules a hearing on the application for a special use permit.

J. Accessory Use. A wind energy conversion system shall only be allowed as an accessory use to a permitted principal use.

## **SOLAR ENERGY STANDARDS**

1. Permitted Accessory Use. Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.

Active solar energy systems that do not meet the visibility standards in C. below will require a special use permit, except as provided in Section 170.31(2)(B).

A. Height. Active solar energy systems must meet the following height requirements:

- (1) Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building mounted mechanical devices or equipment.
- (2) Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

B. Set Back. Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

- a. Roof-mounted Solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
- b. Ground-mounted Solar energy systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

C. Visibility. Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is required to be consistent with other roofing materials.

- (1) Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
- (2) Solar Energy Systems with Mounting Devices. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. However roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.
- (3) Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access to the south-facing or flat roof upon which the panels are mounted. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.
- (4) Historic Buildings. Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) will require a special use permit.

D. Approved Solar Components. Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

- E. Plan Approval Required. All solar energy systems shall require administrative plan approval by the zoning official.
- (1) Plan Applications. Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
  - a. Pitched Roof Mounted Solar Energy Systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
  - b. Flat Roof Mounted Solar Energy Systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
- (2) Plan Approvals. Applications that meet the design requirements of this ordinance, and do not require a special use permit, shall be granted administrative approval by the zoning official. Plan approval does not indicate compliance with Building Code or Electric Code.
- F. Compliance with Building Code. All active solar energy systems shall meet approval of local building code officials, consistent with the State of Iowa Building Code and solar thermal systems shall comply with HVAC-related requirements of the Electric Code.
- G. Compliance with State Electric Code. All photovoltaic systems shall comply with the Iowa State Electric Code.
- H. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.
- I. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- 2. Special Use. The city encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the standards in 170.31(1)(A), 170.31(1)(B), or 170.31(1)(C) cannot be met without diminishing the minimum reasonable performance of the solar energy system, a special use permit may be sought from the Board of Adjustment. A special use permit shall be granted if the standards set out in paragraph B, below are met.
  - A. Minimum Performance Design Standards. The following design thresholds are necessary for efficient operation of a solar energy system:
    - (1) Fixed-Mount Active Solar Energy Systems. Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).
    - (2) Solar Electric (photovoltaic) Systems. Solar collectors must have a pitch of between 20 and 65 degrees.
    - (3) Solar Hot Water Systems. Solar collectors need to be mounted at a pitch between 40 and 60 degrees.
    - (4) System Location. The system is located where the lot or building has a solar resource.

- B. Standards for a Special Use Permit. A special use permit shall be granted by the Board of Adjustment if the applicant meets the following safety, performance and aesthetic conditions:
  - (1) Aesthetic Conditions. The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.
  - (2) Safety Conditions. All applicable health and safety standards are met.
  - (3) Non-Tracking Ground-Mounted Systems. Pole-mounted or ground-mounted active solar energy systems must meet set-back requirements.
- 3. Renewable Energy Conditions for Certain Permits
  - A. Condition for Rezoning or Special Use Permit. The City may, in an area where the local electric distribution system was installed more than twenty years ago, or where the local electric utility has documented a near-term need for additional distribution substation or conductor capacity, require on-site renewable energy systems as a condition for a rezoning or a special use permit.
    - (1) The renewable energy condition may only be exercised for new construction or major reconstruction projects.
    - (2) The renewable energy condition may only be exercised for sites that have 90% unimpeded solar or wind energy access, and for which the renewable energy system can reasonably meet all performance standards and building code requirements.
  - B. Condition for Planned Unit Development (PUD) Approval. The City may require onsite renewable energy systems as a condition for approval of a PUD permit, in order to mitigate for:
    - (1) Risk to the performance of the local electric distribution system,
    - (2) Increased emissions of greenhouse gases,
    - (3) Other risks or effects inconsistent with the City's Comprehensive Plan.

## **FLOODPLAIN MANAGEMENT**

### Statutory Authority, Findings of Fact and Purpose

- A. The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges

and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

B. Findings of Fact

1. The flood hazard areas of the City of Casey are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
2. These flood 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 flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. Statement of Purpose

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of the City of Casey and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 8-1-1(B)(1) of this Ordinance with provisions designed to:

1. 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.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

General Provisions

A. Lands to Which Ordinance Apply

The provisions of this Ordinance shall apply to all areas having special flood hazards within the jurisdiction of the City of Casey. For the purpose of this Ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map (FIRM) for Guthrie County and Incorporated Areas, City of Casey, Panel 19077C0244D, dated April 5, 2017, which is hereby adopted and made a part of this Ordinance.

B. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Mayor shall make the necessary interpretation. The Planning and Zoning Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City of Casey in the enforcement or administration of this Ordinance.

C. 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.

D. 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.

E. Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be 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.

F. 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 special flood hazard areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Casey or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

G. 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.

Floodplain Management Standards

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood elevations and floodway data have not been provided on the Flood Insurance Rate Map, 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 determination.

A. All development within the special flood hazard areas 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.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

B. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.

Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, 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 shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

C. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, 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 100-year flood; and that the structure, below the 100-year flood level 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:
  - a. 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.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. 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.

2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Factory-built homes:

1. All 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 100-year flood level.
2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

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 100-year 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 100-year 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 100-year flood level. 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 a 100-year 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 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

K. Accessory Structures to Residential Uses

- 1. 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.
  - a. 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.
  - b. 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.
  - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  - d. The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
  - e. 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.
  - f. The structure's walls shall include openings that satisfy the provisions of Section 8-1-3(D)(1) of this Ordinance.
- 2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles

- 1. Recreational vehicles are exempt from the requirements of Section III E of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
  - a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
  - b. 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 8-1-3(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.

Administration

A. Appointment, Duties and Responsibilities of Floodplain Administrator

1. The Public Works Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
2. Duties of the Administrator shall include, but not necessarily be limited to the following:
  - a. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
  - b. 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.
  - c. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
  - d. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed.
  - e. 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.
  - f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

B. Floodplain Development Permit

1. 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, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
  - a. Description of the work to be covered by the permit for which application is to be made.
  - b. 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.
  - c. Indication of the use or occupancy for which the proposed work is intended.
  - d. Elevation of the 100-year flood.
  - e. 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.
  - f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
  - g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
3. 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 Planning and Zoning Board.

4. 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.

### C. Variance

1. The Planning and Zoning Board 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 only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - c. 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.
2. Factors Upon Which the Decision of the Council Shall be Based - In passing upon applications for Variances, the Council shall consider all relevant factors specified in other sections of this Ordinance and:
  - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept on to other land or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e. The importance of the services provided by the proposed facility to the City.
  - f. The requirements of the facility for a floodplain location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  - l. 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.
  - m. Such other factors which are relevant to the purpose of this Ordinance.
3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board 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:
- a. Modification of waste disposal and water supply facilities.
  - b. Limitation of periods of use and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. 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.
  - e. Floodproofing measures.

#### Nonconforming Uses

- A. 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.
- B. 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. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

#### 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.

∴ ∴ ∴ ∴ ∴

## CHAPTER 3: ADMINISTRATION

### 301 PLANNING & ZONING COMMISSION.

- 301.01 Commission Created.** There is hereby created a city Planning and Zoning Commission, hereinafter referred to as the Commission, composed of five residents of the City, who shall be qualified by knowledge and experience to act in matters pertaining to the development of city planning and zoning, none of whom shall hold any elective position in said city. Such members shall be appointed by the city council.
- 301.02 Terms.** The term of office of members of the commission shall be 5 years. The term of not more than one of the Board members will expire in any one year.
- 301.03 Officers.** The commission shall elect at its first meeting of the calendar year, one of its members to act as chairperson and another as vice-chair, who shall perform all the duties of the chairperson during their absence or disability.
- 301.04 Compensation.** All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to approval of the Council.
- 301.05 Meetings/Quorum.** Meetings of the Commission shall be open to the public. Three members of the Commission shall constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place. An affirmative vote of three members of the Commission will be required for the exercise of powers or functions conferred or imposed on the commission.
- 301.06 Vacancies.** Vacancies caused by resignation or otherwise shall be filled by a successor appointed by the Council in the same manner as the original appointee for the remainder of the original term.
- 301.07 Powers & Duties.** The Commission shall have and exercise the following powers and duties:
- A. Adopt Rules & Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.
  - B. Comprehensive Plan. The Commission shall have full power and authority to make such surveys, studies, maps, plans or plats of the whole or any portion of the city and of any land outside thereof, which in the opinion of the Commission bears relation to a comprehensive plan, and shall submit such plan to the council with its studies and recommendations, and it may publish the same.
    1. Preparation. For the purpose of making a comprehensive plan for the physical development of the City, the Commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing coordinated, adjusted, efficient, and harmonious development of the City, which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
    2. Public Hearing. The Commission shall hold at least one public hearing before adopting a Comprehensive Plan, any part of it, or substantial amendment thereof, thereon. Notice of said public hearing(s) shall be given by one publication in a newspaper of general circulation in the City not less than 7 or more than 20 days before the date of the hearing.
    3. Amendments. The Commission may recommend to the city council, from time to time, as conditions require, amendments, supplements, changes or modifications in the

comprehensive plan prepared by it. When the Comprehensive Plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Commission for its recommendations. If the Commission disapproves the proposed change, the Council may adopt it only by the affirmative vote of at least four (4) of the members of the said Council.

- C. Review & Comment on Plats. All plans, plats or re-plats of subdivision or re subdivision of land embraced in the city or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the city, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.
- D. Review & Comment on Street Improvements. No plan for any street, park, parkway, boulevard, traffic way, river front, or other public improvement affecting the city plan shall be finally approved by the city or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the latter shall have had thirty days within which to file its recommendations thereon.
- E. Zoning. The commission shall have and exercise all the powers and duties and privileges in preparing and amending the city zoning code as provided by Chapter 414 of the Code of Iowa.

**301.08 Fiscal Responsibilities & Debts.** The Commission shall have authority to expend for and on behalf of the City all sums of money appropriated to it by the Council. The Commission shall have no power to contract debts.

## **302 BOARD OF ADJUSTMENT.**

**302.01 Board Created.** There is hereby created a Board of Adjustment, hereinafter referred to as the Board, composed of five residents of the City. A majority of the Board shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate. Board members shall be appointed by the city council.

**302.02 Terms.** The term of office of members of the Board shall be 5 years. The term of not more than one of the Board members will expire in any one year.

**302.03 Officers.** The Board shall elect annually at its first meeting of the year, one of its members to act as chairperson and another as vice-chair, who shall perform all the duties of the chairperson during their absence or disability. The Board shall also appoint a Secretary, who shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be public record. All actions of the Board concerning special exceptions or variances shall also be recorded in the office of the County Recorder, and it shall be the responsibility of the appellant to record said action(s) and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same.

**302.04 Compensation.** All members of the Board shall serve without compensation, except their actual expenses, which shall be subject to approval of the Council.

**302.05 Meetings/Quorum.** Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings of the Board shall be open to the public. Three members of the Board shall constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place. An affirmative vote of three members of the Board will be required for the exercise of powers or functions conferred or imposed on the Board.

- 302.06 Vacancies.** Vacancies caused by resignation or otherwise shall be filled by a successor appointed by the City Council in the same manner as the original appointee for the remainder of the original term.
- 302.07 Rules & Regulations.** The Board shall adopt rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance. Said rules and regulations shall be consistent with law and the provisions of this Ordinance.
- 302.08 Assistance From Municipal Departments/Staff.** The Board may call on municipal departments or staff for assistance in the performance of its duties, and it shall be the duty of such departments or staff to render such assistance to the board as may reasonably be required.
- 302.09 Powers & Duties of the Board.** The Board shall have the following powers and duties:
- A. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning/Building Administrator in the enforcement of this Ordinance or any amendment thereto. Appeals shall be reviewed according to the following provisions:
1. Procedure. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the City affected by any decision of the Zoning/Building Administrator. Such appeal shall be taken within 60 days by filing with the Zoning/Building administrator and the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
  2. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building Administrator certifies to the Board that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the Zoning/Building Administrator from whom the appeal was taken on due cause shown.
  3. Hearing. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within 30 days. At said hearing, any party may appear in person, by agent, or by attorney.
- B. Special Exceptions. To hear and decide only such special exceptions as the Board is specifically authorized to pass as detailed in this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. The board shall review requests for special exceptions according to the following provisions:
1. Application. A written application for special exception shall be submitted to the Board indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
  2. Hearing. The Board shall fix a reasonable time for the hearing of the special exception, give public notice thereof, as well as due notice to the parties in interest and decide the same within 30 days. At said hearing, any party may appear in person, by agent, or by attorney. The public hearing shall be held.
  3. Findings and Standards. The special exception shall not be granted unless the Board finds that it is empowered under the section of this Ordinance described in the

application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest based on the following standards:

- a) The establishment, maintenance, or operation of the special exception will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare of the community.
- b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for a purpose already permitted, nor substantially diminishes and impairs property values within the neighborhood.
- c) The approval of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- d) Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided, and adequate measures have been taken or will be taken to provide ingress and egress so designed to minimize traffic congestion on public streets.
- e) The special exception will not cause noise or other vibration which is objectionable due to volume, frequency, or beat unless muffled, damped, or otherwise controlled.
- f) The special exception will not cause any emission of malodorous gas or other pollution of the air by ash, dust, vapors, or other substance which is harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.
- g) The special exception will not involve any direct or reflected glare which is visible from any adjoining property or from other public street or highway.
- h) The special exception will not involve any activity that would substantially increase the burden on any public utilities or traffic congestion on a public street unless measures are taken to provide relief for the affected utility or street.

C. Variations. To authorize upon 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 would result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. However, no variance shall permit the use of the property for purposes not authorized within the district. The board shall review applications for variations according to the following provisions:

- 1. Initiation. A property owner or his authorized agent may initiate a request for variance. The City Council or Planning & Zoning Commission may also initiate a request where a City property is involved.
- 2. Application. A written application by a property owner or his authorized agent for variance, in form approved by the City Council, shall be filed with the Zoning/Building Administrator. Adequate drawings and other descriptive materials essential to understanding the variance requested shall accompany the application. The application shall include evidence demonstrating the following:
  - a) That there are special, 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) That the special circumstances or conditions did not result from actions of the applicant;

c) That 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.

d) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the ordinance or the public interest.

3. Hearing. The Board shall fix a reasonable time for the hearing of the variance request, give public notice thereof, as well as due notice to record owners of property abutting the lot or parcel of land on which the variance is requested or record owners of any other lot or land parcel which may be affected by the proposed variance. Decisions by the Zoning/Building Administrator as to those persons affected by the proposed variance shall not be subject to appeal.

At said hearing, any party may appear in person, by agent, or by attorney. The variance may be granted, refused, or tabled subject to further investigation.

4. Findings. The Board shall make their final decision within 30 days of the hearing. The variance shall not be granted unless the Board finds beyond a reasonable doubt that the conditions detailed in the application actually exist, that reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure. The Board shall, in order to grant the variance, further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting the variance, the Board may attach conditions that it feels are necessary to protect the public interest and carry out the purposes of this Ordinance. A concurring vote of three members of the Board shall be necessary to grant a variance and the Zoning/Building Administrator shall notify the applicant in writing of the Board's action within 7 days after the Board has rendered its decision.

5. Condition not Recurrent or Typical. No variance shall be granted 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 the ordinance, for such conditions or situations.
6. No Power to Establish Variance for Non-conforming use. The board shall have no power to authorize a variance for the establishment of a non-conforming use where none previously existed.
7. Review by Council. The Council may provide for its review of variances granted by the Board of Adjustment before their effective date. The Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is, in such case, delayed for 30 days from the date of remand.

**302.10 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.

**303 ZONING/BUILDING ADMINISTRATOR**

**303.01 Position Created.** The Mayor shall designate or appoint a Zoning/Building Administrator, hereinafter referred to as Administrator to enforce this Ordinance. The Administrator may be an employee of the City, but may not be an elected official, or a member of either the Board of Adjustment or Planning & Zoning Commission. The Administrator may be provided with the assistance of the City Clerk or other such other persons as the City Council may direct.

**303.02 Powers & Duties.** The Administrator shall:

- A. Be familiar with this Zoning Ordinance and all terms and provisions contained herein;
- B. Work with the Council to review all completed building permit applications;
- C. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance, including setback provisions;
- D. Make preliminary reviews of applications for variances and special exceptions, and provide assistance to the Board of Adjustment in determining the validity of such requests;
- E. Initiate, direct, and review from time to time a study of the provisions of the Ordinance and make reports of recommendations to the Planning & Zoning Commission and Council;
- F. Notify, in writing, persons responsible for violations of the provision of this Ordinance, including the nature of the violation and the necessary action to correct it. The Administrator shall also notify the City Attorney, when necessary, who shall take any action necessary to remedy uncorrected violations.

#### **304 CITY CLERK**

**304.04 Powers & Responsibilities in Regards to Zoning.** In regards to the administration of this Zoning Ordinance, the City Clerk shall:

- A. Make available to the public applications for appeals, building permits, variances, special exceptions, special uses, and zoning changes;
- B. Accept all completed applications as described in the preceding paragraph and forward as appropriate per the provisions of this ordinance to the Zoning/Building Administrator, City Council, Planning & Zoning Commission, and/or the Board of Adjustment for review;
- C. Assist the Zoning/Building Administrator, City Council, Planning & Zoning Commission, and/or the Board of Adjustment in the scheduling of meetings or inspections and with the necessary mailing, posting, and publishing of notices as relating to said meetings or inspections;
- D. Maintain permanent and correct records of the Ordinance, including, but not limited to, all maps, amendments, uses on review, variances, appeals, and applications thereof;
- E. Provide and maintain a public information service relative to all matters rising out the Ordinance.

#### **305 ENFORCEMENT & PENALTY**

**305.01 Interpretation & Enforcement.** The Zoning/Building Administrator shall have the power and duty to interpret and enforce the provisions of this Ordinance. Any appeal from a ruling of the Zoning/Building Administrator shall be made to the Board of Adjustment. It is the intent of this Ordinance that all questions on interpretations and enforcement shall first be presented to the Zoning/Building Administrator.

**305.02 Penalties.** Violations of the provisions of this Ordinance, or with any of its requirements (including violations of conditions established in connection with grants of variances or special exceptions) shall constitute a misdemeanor, and any person upon conviction thereof shall be fined not more than \$750.00

or imprisoned for a term not to exceed 30 days. Each day that the violation continues shall be considered a separate offense.

**305.03 Complaints Regarding Violations.** Any person may file a written complaint when a violation of this Ordinance has occurred or is alleged to have occurred. Such complaint shall state fully the causes and basis thereof, and be filed with the Zoning/Building Administrator, who shall properly record said complaint, immediately investigate, and take appropriate action thereon as provided by this Ordinance.

**03-05.04 Remedies.** In case any building, structure, or other physical improvement is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of the ordinance, the municipal 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, stop, or reverse such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

## **306 BUILDING PERMITS.**

**306.01 Application Required.** No building, structure (more than 100 square feet in size), or other physical improvement (i.e., fences, sidewalks, driveways, porches, decks, gazebo, etc.) shall be erected, constructed, moved, added to without a building permit. Said building permit shall be approved as specified below **before** any work commences on any project. Any person commencing work without an approved permit shall be subject to penalties as defined in Section 305.02 ABOVE in addition to the required permit application fees. Structures built by the City of Casey or any department thereof on publicly owned or leased property do not require a building permit but must comply with the regulations of this Ordinance.

**306.02 Application Form Approved/Information Required.** Building permits in a form so approved by the City Council and the Zoning/Building Administrator shall be available from the City Clerk. Every application for a permit shall be accompanied by a detailed drawing or plan drawn to scale, or a blueprint, 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 location of all lot/property lines, streets, and alleys, the required setbacks (based on the zoning district requirements), the existing and intended use of each building or part, the proposed number of units, the approximate cost of the project; types and kinds of material to be used. Building permit applicants may be required, at the discretion of the Zoning/Building Administrator, to set stakes showing their property line boundaries, and stakes where the proposed building will be placed, prior to the inspection and before any action on the permit is taken. Such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the ordinance shall also be provided.

**306.03 Procedure for Application.** Completed building/zoning permits shall be submitted to the City Clerk or Zoning/Building Administrator. Building permit applications will not be reviewed until the required fee is submitted.

Upon receipt of all building permit applications, the Zoning/Building Administrator shall review said application, arrange for an inspection of the proposed project and site if necessary, and determine whether or not the proposed work meets all of the requirements of this Ordinance. Upon determination, the following shall occur:

- A. If additional information is required, the application shall be returned to the applicant for clarification.

- B. If the application does not meet the requirements of this Ordinance (i.e., setbacks are not sufficient), a variance or special exception may be required, in which case the applicant will be required to request a variance or special exception per the provisions of this Ordinance.
- C. If the application does meet the requirements of this Ordinance, the application shall be approved by the Zoning/Building Administrator or forwarded to the City Council for final review. The Zoning/Building Administrator shall consult with the Clerk so that the final review shall be placed on the Council agenda when necessary and copies of the completed applications are forwarded to the Council for review prior to the meeting.
- D. If an application is approved, the applicant shall be notified by the Clerk or Administrator so that work can proceed. If an application is returned for further information, the Zoning/Building Administrator shall review the additional information and proceed with the review process as outlined above. If an application is denied, the Administrator or Council shall provide the applicant with its reasons for denial.
- E. Building permits shall expire 12 months after the date of issuance if work is begun within 180 days or after 180 days if no substantial beginning of construction has occurred. The Zoning/Building Administrator may grant extensions of time in writing if the applicant shows good cause.

**307 SPECIAL USE PERMITS.** Allowable special uses may be permitted, enlarged, or altered upon submission of an application for a special use permit to the Board of Adjustment. The Board may grant or deny a special use permit in accordance with the standards set forth herein and the intent and purposes of this ordinance. In granting special use permits, the Board shall authorize the issuance of a special use permit and may prescribe and impose appropriate conditions and safeguards for the performance of the special use permit. Special use permits shall always have specified time limits, and therefore may also be referred to as “temporary use permits”.

**307.01 Application Form/Information Required.** A request for a special use permit for a special use or modification of a special use may be initiated by a property owner or his authorized agent by filing an application with the City Clerk upon forms prescribed for the purpose. The application shall be accompanied by a site plan and such other plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use or proposed modification in relation to the standards set forth herein.

**307.02 Meeting.** Before issuance of any special use permit, the Board of Adjustment will consider the application at a meeting held at the call of the chairman within 30 days after the filing of the application.

**307.03 Decisions.** The concurring vote of 3 members of the Board of Adjustment shall be necessary to grant a special use permit. Special use permits may generally be granted by the Board for no longer than 6 months, unless the Board specifically grants a longer period of time or a building permit is obtained within the 6 month period and construction is started.

**307.04 Standards.** No special use permit shall be granted by the Board unless the Board finds:

- A. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare of the community.
- B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property valued within the neighborhood.

- C. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided, but that the use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustment.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and that the use will not involve any activity substantially increasing the movement on public streets unless procedures are instituted to limit traffic hazards and congestion.
- F. The use shall not include any activity involving the use or storage of flammable, or explosive materials unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- G. The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled, nor vibration that is discernable without measuring instruments on any adjoining lot or property.
- H. The use shall not involve any malodorous gas or matter which is discernable on any adjoining lot or property, nor any pollution of the air by fly ash, dust, vapors, or other substance which may be harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- I. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

**FEES.** The Council may establish fees for various matters relating to this Ordinance including, but not limited to, the following:

- Building Permit Applications
- Application for Variance
- Application for Special Exception
- Application for Special Use
- Application for Change in Zoning Classification
- Appeals

The schedule of fees shall be available in the offices of City Clerk and Zoning/Building Administrator. The schedule may be altered or amended only by the Council, although the Planning & Zoning Commission may make recommendations. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, action or appeal.

∴ ∴ ∴ ∴ ∴

## CHAPTER 4: AMENDMENTS & CHANGES

### 401 AMENDMENTS.

- 401.01 Amendments & Changes.** The City Council may, from time to time, on its own initiative, on petition, or on recommendation by the Planning & Zoning Commission, after public notice and public hearings as provided by law and after report by the Planning & Zoning Commission or after 30 days notice to said Commission, amend, supplement, or change the regulations or districts herein or subsequently established.
- 401.02 Petition.** Whenever the owners of 50% or more of the area of the lots in any district or part thereof desire any amendment, supplement, or change in any of the provisions of this Ordinance applicable to the area, they may file a petition with the City Clerk requesting the City Council to make such amendment, supplement, or change.
- 401.03 Application.** Such petition shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement, or change, together with the boundaries of the said area and the names and addresses of all the owners of record in the office of the County Recorder, of lots therein and within a distance of 200 feet outside of the boundaries in said area so that said property owners may be notified of the proposed change. The Council shall approve all zoning amendment application forms. All applications and petitions shall be submitted with the appropriate fee, if applicable, as established for said application by the Council.
- 401.04 Planning & Zoning Commission Study.** All applications & petitions for Zoning Ordinance or district changes shall be immediately forwarded to the Planning & Zoning Commission for study. The Commission shall, within 30 days, make and submit a report to the City Council detailing its recommendations approving, disapproving, or modifying the proposed amendment, supplement, or change.
- 401.05 Protest.** If a written protest against any proposed amendment, supplement, or change is presented to the City Council signed by 20% or more of the owners, either of the area of the lots included in such proposed change or those immediately adjacent to the area, such amendments shall not become immediately effective except by the favorable vote of at least 4 of the members of the City Council.
- 401.06 Limitation.** Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by this Ordinance has been denied by the City Council, such petition cannot be re-submitted for review for 6 months thereafter. This provision, however, shall not prevent the City Council from acting on its own initiative in any case or at any time as provided in this Ordinance.
- 401.07 Record.** The Zoning/Building Administrator shall maintain a record of amendments to the text, the land use plans, and zoning maps in a form convenient for the use of the public and shall provide the City Clerk with a copy of each amendment to the text of this Ordinance and change to the maps and shall keep them as part of the public record.
- 402 REPEALER.** All ordinances or parts of ordinances in conflict with this Zoning Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

403 **SEVERABILITY.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

404 **EFFECTIVE DATE.** This Ordinance shall become effective upon its passage, approval, and publication as provided by law.

∴ ∴ ∴ ∴ ∴